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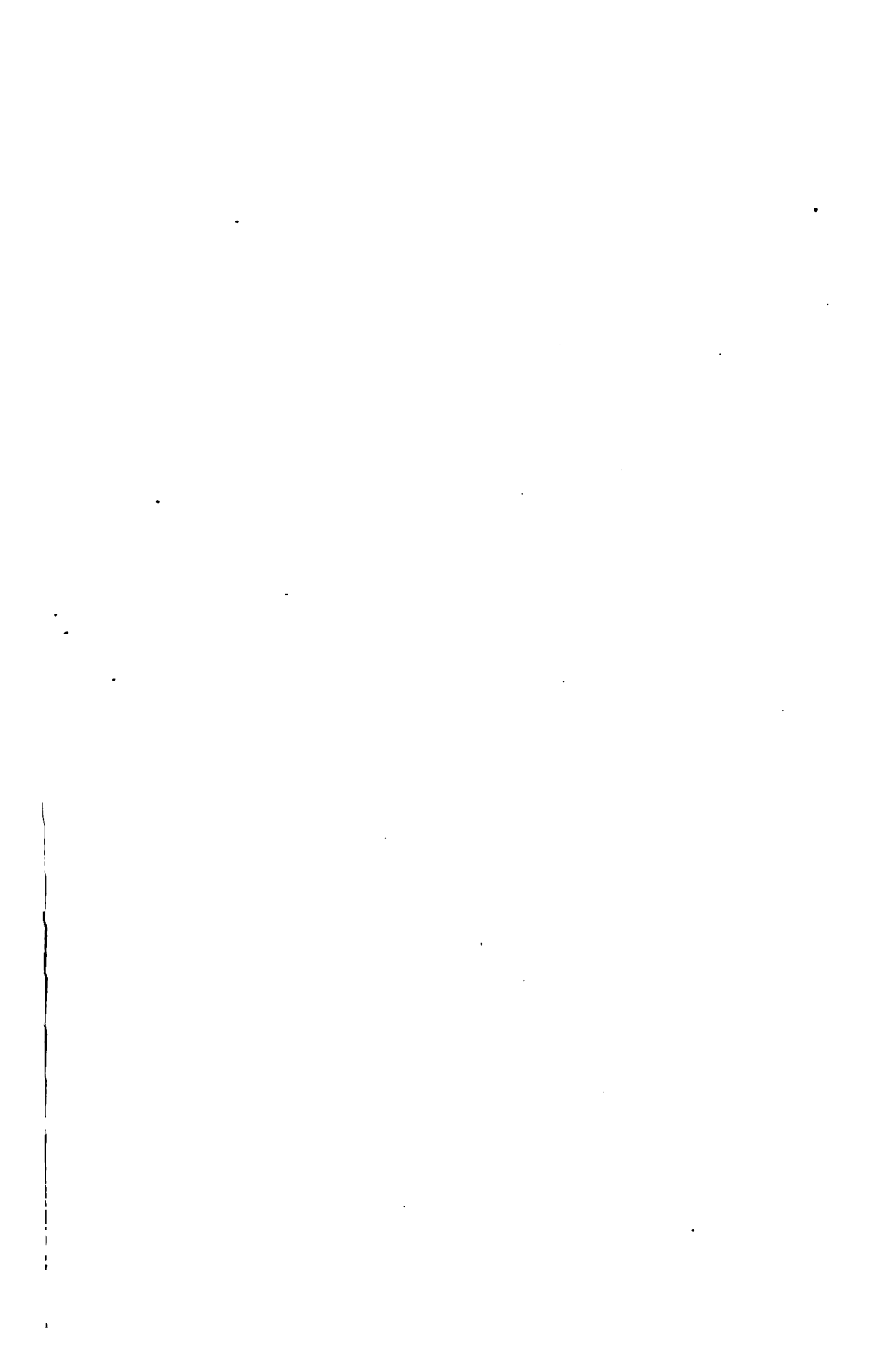
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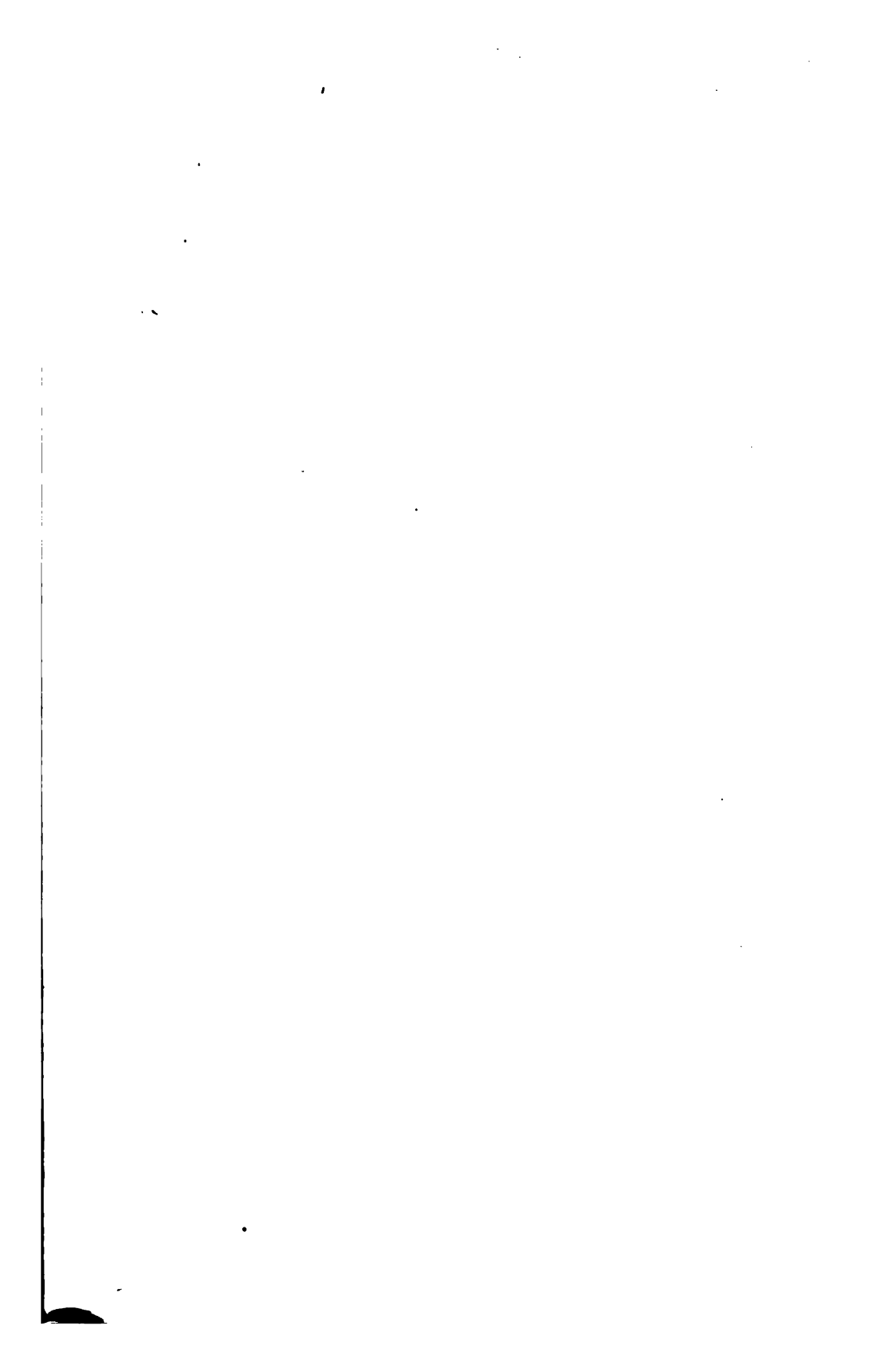
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TO THE

## MISCELLANEOUS DOCUMENTS

OF THE

## HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-SIXTH CONGRESS,

1879.

IN 3 VOLUMES.

---

VOLUME V.—No. 23.

---

WASHINGTON:  
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1879.



# INDEX TO HOUSE MISCELLANEOUS DOCUMENTS.

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SEBASTIAN DUFFY vs. JOSEPH MASON.

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PAPERS AND DOCUMENTS

IN THE CASE OF

SEBASTIAN DUFFY vs. JOSEPH MASON.

TWENTY-FOURTH CONGRESSIONAL DISTRICT OF THE STATE OF NEW YORK.

---

JULY 10, 1879.—Ordered to be printed.

---

*Affidavit of T. B. Newton.*

STATE OF NEW YORK,  
*Madison County, ss:*

T. B. Newton, being duly sworn, says that he resides at Hamilton, Madison County, New York; that he is over twenty-one years of age; that he served the annexed notice of contest upon Joseph Mason, the person therein named, on the 26th day of December, 1878, at the village and town of Hamilton, Madison County, New York, by delivering to and leaving with a member of his family, to wit, his housekeeper, a copy thereof; that said Mason and wife were absent from home; that said person with whom the same was left is over fourteen years of age, and is and has been for a long time his housekeeper, but her name deponent does not recollect, though he knows her well; that deponent told said person to deliver the same to said Mason on his arrival home; that he well knows said Mason, and knows him to be the person named in the said notice of contest.

T. B. NEWTON.

Subscribed and sworn to before me this 26th day of December, 1878.

A. O. BRIGGS,

*Notary Public in and for Madison County, New York.*

*Notice of contest.*

Hon. JOSEPH MASON,  
*Hamilton, Madison County, New York:*

SIR: Please take notice that I shall, in the manner provided by law and the rules and precedents of the House of Representatives of the United States, contest your election and your certificate of such election as a member of the Forty-sixth Congress of said United States from the twenty-fourth Congressional district of the State of New York, on the following grounds, to wit:

First. That you did not receive a majority of the legal votes cast at the election held in said Congressional district on the 5th day of November last, but, on the contrary, that I did receive a majority of such votes.

Second. That your election was effected and procured by force, fraud, intimidation, promises of favor, corruption, the buying of votes and voters, and other corrupt and illegal means used by you and in your behalf; and that your certificate of election as such member of Congress was and is based upon and the result of such force, fraud, intimidation, promises of favor, the buying of votes, and other corrupt and illegal means used by you and in your behalf.

Third. That your election was procured by illegal votes and illegal voting in your behalf, and by your procurement or the procurement of those interested in your election.

Fourth. That your certificate of election is invalid for the reasons stated in the second specification herein.

Fifth. That I was, on said 5th day of November, 1878, legally elected as such member instead of yourself, and am entitled in your stead to a seat in said Forty-sixth Congress.

Dated Pulaski, December 23, 1878.

SEBASTIAN DUFFY.

Due service of within admitted December 26, 1878.

J. J. LAMOREE, *Attorney.*

Contestant's exhibit marked A.

W. W. GREEN,

*Notary Public.*

S. M. COON,

*Notary Public.*

D. J. VAN AUKEN,

*Notary Public.*

C. O. CASE,

*Notary Public.*

*Answer to notice of contest.*

HAMILTON, N. Y., *January 9, 1879.*

SIR: Your communication and notice of intention to contest my election to the Forty-sixth Congress of the United States from the twenty-fourth Congressional district of the State of New York (Oswego and Madison Counties) was received on the 26th day of December, 1878, followed by a telegram from you which was served upon me December 30, 1878, bearing date December 27, 1878, and I hereby make answer thereto as follows:

I. Your telegram was not served in time; is not a written notice such as is required by the rules and practice in such case made and provided, and you having served one notice with specifications upon me December 26, a second notice with specifications is not allowable under said rules and practice.

Said notice by telegram is insufficient and incomplete, under the statute and practice aforesaid, in that it does not specify particularly the grounds upon which you rely; that is to say, your charges of bribery by paying, giving, and bestowing upon such voters gifts, and rewards, and by promising to pay, give, and bestow to and upon such voters gifts and rewards does not state who bribed voters by paying, giving, and bestow-

ing upon such voters gifts and rewards, or who promised to pay, give, and bestow to and upon such voters gifts and rewards, and what voters were thus interfered with, and when, and where, and who were induced to cast said votes by reasons aforesaid, and who were intimidated and prevented from voting for you, and what errors, irregularities, frauds, and illegalities were committed in said Congressional district, and by what bribery and corrupt use of money I procured my election.

II. Your notice in writing served upon me December 26, 1878, is insufficient and incomplete under the statute and practice in such case made and provided, in that it does not specify particularly the grounds upon which you rely; that is to say, your charges that my election was procured by force, fraud, intimidation, promises of favor, the buying of votes and voters, and other corrupt and illegal means used by me and in my behalf, and that my election was procured by illegal votes and illegal voting, and by my procurement or the procurement of those interested in my election, and grounds of contest therefor respectively, do not state who was forced to vote for me, and what fraud contributed to my election, and who was intimidated, or in what manner, place, town, city, or county such intimidation was had, and to whom or in what manner promises of favor were made, and what votes and voters were bought, or where and when such votes or voters were so bought, and what other corrupt and illegal means were used by me and in my behalf; and by what illegal votes and illegal voting by my procurement or the procurement of those interested in my election you were prejudiced, and who were so interested, and in what election district, town, city, or county such persons reside and perpetrated such acts complained of.

III. To the first ground of contest, so numbered in said notice, served December 26, as aforesaid, I deny the same and each and every allegation therein contained.

IV. To the second ground of contest, so numbered in said notice, served December 26, as aforesaid, I deny the same and each and every allegation therein contained.

V. To the third ground of contest, so numbered in said notice, served December 26, as aforesaid, I deny the same and each and every allegation therein contained.

VI. To the fourth ground of contest, so numbered in said notice, served December 26, as aforesaid, I deny the same and each and every allegation therein contained.

VII. To the fifth ground of contest, so numbered in said notice, served December 26, as aforesaid, I deny the same and each and every allegation therein contained.

VIII. To the first ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

IX. To the second ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

X. To the third ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

IX. To the fourth ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained, except as hereinafter stated, in specifications numbered XV.

XII. To the fifth ground of contest, so numbered in said telegram

notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

XIII. To the sixth ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

XIV. To the seventh ground of contest, so numbered in said telegram notice, served December 30, as aforesaid, I deny the same and each and every allegation therein contained.

XV. And I further make answer and allege that, by means of bribery in the use of money in the buying of votes at each and every poll in said Congressional district a large number of electors were induced to vote for you, when, had they voted according to their own free will, without such corrupting influences, such votes would have been cast for me.

XVI. And I further make answer and allege that a large number of votes cast or voted in said Congressional district at said election, and which said votes were counted for you were so cast and voted by persons who had no lawful right to vote at the poll whereat said persons voted the same, and each and all of said votes so voted by such persons were so polled in violation of the laws of the State of New York and of the United States, and should not have been counted or allowed to you; while at each and every poll within said Congressional district lawful votes were at such election voted in favor of my election, which votes were withheld and not counted or allowed to me.

XVII. And I further make answer and allege that the Democratic and the Republican parties within the State of New York and within said Congressional district, in the summer and fall of 1878, alike pledged themselves to the support of an issue known as the resumption of specie payments by the United States January 1, 1879; that you openly opposed that resumption, made inflammable speeches within said district in opposition to such resumption and in favor of an unlimited expansion of the United States currency and against the present system of banking under the laws of the United States and openly denounced and publicly arraigned both of said parties as alike unworthy to remain in charge of the government, thereby bringing you into disfavor with both of said parties, and causing large numbers of Democratic electors who favored a return to specie payments to oppose your election and to vote for me, upon those and other issues within said Congressional district, while many others refused to vote for you.

XVIII. And I further make answer that at a general election held in the State of New York and in the twenty-fourth Congressional district of said State, composed of the counties of Oswego and Madison, twelve thousand and forty-three (12,043) legal votes were legally cast for me for Representative in the Congress of the United States from said district, and not more than eleven thousand three hundred and seven (11,307) votes were cast for you, Sebastian Duffy, for such Representative, and that I received a majority of all the votes cast, to wit, the majority of seven hundred and thirty-six votes; that said election was legally and lawfully held and pursuant to all the laws of the State of New York and the United States of America in such case made and provided; that no votes were cast for me through or on account of any unlawful influence or bribery, coercion, corruption, intimidation, force, fraud, promises of favor, unjust, improper, or other corrupt or unlawful influence, inducement or intimidation of the voters respectively, and no voters refrained from casting their votes for you through or on account of any unlawful influence or bribery, coercion, corruption, or intimidation of them or

either of them ; and the proper inspectors of election and canvassing-officers of the several election districts in said Congressional district honestly and truly counted and canvassed the votes cast at their polls respectively and made the proper, true, and legal returns thereof from their districts to their boards of county canvassers respectively, and the boards of county canvassers of Oswego and Madison Counties legally and truly canvassed the returns to them made as aforesaid, and properly certified their canvasses respectively to the board of State canvassers of the State of New York, and which board did in due time correctly canvass, count and estimate and declare the whole number of votes given for Representative in Congress at said general election, and the result thereof, and did legally and truly determine and declare I had received twelve thousand and forty-three votes, and you had received eleven thousand three hundred and seven votes, and that I had, therefore, received the greatest number, viz, a majority of seven hundred and thirty-six of all the votes cast in said district, and was duly and regularly elected Representative in Congress from the said Congressional district to the Forty-sixth Congress of the United States, in accordance with the laws of said State and of the United States, and said board of State canvassers, who were authorized, to make said canvass and to determine the result of said election have, as by law required, issued to me their certificate of said election aforesaid under the seal of the State of New York, and which said certificate is in form as in such case made and provided by law.

And I answer and allege none but the votes of legal and lawful voters were cast for me at said election ; and you will take notice that John J. Lamoree, attorney at law, rooms 10 and 11 Arcade block, at the east end of the lower bridge, Oswego, N. Y., is attorney for me in this matter, and all papers and notices relating to any and all alleged irregularities within the said county of Oswego aforesaid, and the examination and inquiries touching the same, may be served upon him with like effect as upon me personally.

Also take notice that D. G. Wellington, attorney at law, residing in the village of Hamilton, in said county of Madison, is also attorney for me in this matter, and that all other papers in this matter and those relating to said election in any manner within said county of Madison may be served upon him with the like effect as upon me personally.

Yours, &c.,

JOSEPH MASON.

To SEBASTIAN DUFFY.

Served January 15, 1879.

It is hereby admitted that within is a true and correct copy of contestee's answer as served upon Sebastian Duffy, contestant, at Pulaski, N. Y., January 15, 1879.

Dated May 3, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
J. J. LAMOREE,  
*Attorney for Contestee.*

Contestant's Exhibit B.

WILLIAM W. GREEN,  
*Notary Public.*  
S. M. COON,  
*Notary Public.*

SIR: You will please take notice of an answer and specifications herewith set forth by Joseph Mason, member of Congress elect from twenty-fourth Congressional district, State of New York, and you are required to send all papers to him as within directed.

J. J. LAMOREE,  
*Attorney, Oswego, N. Y.*

To SEBASTIAN DUFFY,  
*Contestant.*

*Certificate.*

STATE OF NEW YORK,  
*Oswego County:*

In the matter of the contested election for Representative in the Forty-sixth Congress of the United States from the twenty-fourth Congressional district of New York, Sebastian Duffy, contestant; Joseph Mason, contestee.

Proof of the official character of Chester O. Case, Daniel J. Van Auken, William W. Green, S. Mortimer Coon, Charles B. King, David P. Morehouse, and John T. McCarty, as notaries public of said county in the above-entitled contest, is hereby waived, and such official character is hereby admitted.

Oswego, February 7, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
JOHN J. LAMOREE,  
*Attorney for Contestee.*

Contestant's Exhibit C.

S. M. COON, *Notary Public.*  
WILLIAM W. GREEN,  
*Notary Public.*

*Agreement.*

UNITED STATES OF AMERICA,  
*State of New York, Oswego County:*

In the matter of the contested election in the twenty-fourth Congressional district in the State of New York for the Forty-sixth Congress of the United States; Sebastian Duffy, contestant; Joseph Mason, contestee.

It is hereby stipulated that the examination of witnesses on the part of the contestee in the above-entitled contest shall be, and the same is hereby, adjourned from the evening of the 24th day of March, 1879, at 6 p. m., to the morning of the 31st day of March, 1879, at 9 a. m., and that the time for the said contestee to take evidence in said contest shall be, and the same is hereby, extended six days from and after the time to which it has been heretofore extended by stipulation of the attorneys for the respective parties, to wit, to and including the ninetieth day from and after the day of the service of the answer of the said contestee upon said contestant.

And it is further stipulated that the time for the said contestant to introduce evidence in rebuttal in said contest shall commence at the expiration of the period last aforesaid, to wit, on the ninety-first day from and after the service of said answer, and shall continue ten days, to wit, to and including the one hundredth day from and after the service of said answer, being six days after the time for that purpose heretofore fixed by stipulation in this contest.

The hearing upon all notices served on or before the close of March



24, 1879, and yet in force and unfulfilled, shall be adjourned to March 31 at 9 a. m.

The above stipulation is for the mutual convenience of the parties to said contest, and extends only to the county of Oswego and the taking of evidence therein.

Dated at Oswego, March 24, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
JOHN C. CHURCHILL,  
*Attorney for Contestee.*

The provisions of the foregoing stipulation are hereby extended one day.

Oswego, March 31, 1879.

JOHN C. CHURCHILL,  
*Attorney for Contestee.*

Contestant's Exhibit D.

WILLIAM W. GREEN,  
*Notary Public.*  
S. M. COON, *Notary Public.*

*Agreement.*

UNITED STATES OF AMERICA,  
*State of New York, Oswego County :*

In the matter of the contested election in the twenty-fourth Congressional district in the State of New York for the Forty-sixth Congress of the United States ; Sebastian Duffy, contestant ; Joseph Mason, contestee.

It is hereby stipulated that the examination of witnesses on the part of the contestee in the above entitled contest shall be, and the same is hereby, adjourned from the evening of the 17th day of March, 1879, at 6 p. m., to the morning of the 22d day of March, 1879, at 9 a. m.; and that the time for the said contestee to take evidence in said contest shall be, and the same is hereby, extended four days from and after the time limited for that purpose by the statutes of the United States, to wit, until and including the eighty-fourth day from and after the day of the service of the answer of the said contestee upon said contestant; and it is further stipulated that the time for the said contestant to introduce evidence in rebuttal in said contest shall commence at the expiration of the day last aforesaid, to wit, on the eighty-fifth day from and after the service of said answer, and shall continue ten days, to wit, to and including the ninety-fourth day from and after the service of said answer, being four days after the time for that purpose limited by said statutes. The hearing upon all notices served on or before the close of March 17, 1879, and yet in force and unfulfilled, shall be adjourned to the morning of March 22, at the hour aforesaid.

The above stipulation extends only to the county of Oswego.  
Oswego, March 15, 1879.

H. D. BAKER,  
*Attorney for the Contestant, Sebastian Duffy.*  
J. J. LAMOREE,  
*Attorney for Contestee.*

Contestant's Exhibit E.

WILLIAM W. GREEN,  
*Notary.*  
S. M. COON,  
*Notary.*

*Certificate of notaries public.*

STATE OF NEW YORK,  
*Oswego County :*

In the matter of the contested election of Joseph Mason to the Forty-sixth Congress of the House of Representatives of the United States of America from the twenty-fourth Congressional district of the State of New York.

We, W. W. Green and S. M. Coon, notaries public of the county of Oswego aforesaid, the said S. M. Coon having been selected by Joseph Mason, contestee, to officiate with the said W. W. Green, the officer named in the annexed notice, in taking of the depositions mentioned therein under the provisions of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America, do hereby certify that John Collins, Daniel G. Donnahue, Thaddeus Wilber, Philo Bundy, Valentine Sayles, Edward Hennessy, Samuel B. Burchard, Nicholas Sands, J. Clark Cooley, Sylvester Murray, Thomas Lyons, Thomas S. Mott, Alexander Lamont, James McNamara, Daniel J. Van Auken, sr., appeared before us pursuant to the annexed notice as witnesses on the part of Sebastian Duffy, the contestant in said notice mentioned, and were by us severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned. That we caused the testimony of said witnesses, together with the questions propounded to the witnesses severally by the agents of the parties, and the answers of the witnesses, and each and every of them, which testimony and questions and answers thus reduced to writing we caused to be duly attested and subscribed by said witnesses severally and in our presence and in the presence of the agents of the parties. That testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto attached, and was continued from day to day as provided in said notice.

And we further certify that the testimony of said witnesses, and each and every of them, and said questions, and each and every of them, so propounded to each of said witnesses, and the answers of said witnesses, and of each and every of said witnesses, to the questions so propounded to them, severally appear in the schedule hereto annexed.

We also certify that the annexed exhibits, A being contestant's notice of contest, B being contestee's answer to notice of contest, C being waiver of proof of official character of notaries, D and E being stipulations as to time of taking of depositions, were, by consent and stipulation of counsel, entered herein as part of the case and marked by us as such exhibits.

[SEAL.]

WILLIAM W. GREEN,  
*Notary Public.*

[SEAL.]

S. M. COON,  
*Notary Public.*

Dated Oswego, May 5, 1879.

*Notice of contestant to contestee.*

UNITED STATES OF AMERICA,  
*State of New York, City and County of Oswego :*

To Joseph Mason, Esq., and John J. Lamoree, attorney for said Joseph Mason :

Please to take notice that, under the provisions of Chapter VIII, Title 2, section 108, of the Revised Statutes of the United States of

America, the undersigned, Sebastian Duffy, contestant for the seat in the House of Representatives of the United States of America from the twenty-fourth Congressional district of the State of New York, will proceed on the 7th day of February, 1879, at the hour of 9 o'clock a. m., at the office of W. W. Green, No. 85 East First street, Oswego City, N. Y., to take the depositions of the following named witnesses, residing in the city of Oswego, N. Y., to wit, unless otherwise noted, and will continue from day to day until completed, Sundays excepted: Daniel G. Donahue, John Collins, Sylvester Fanning, Florence McCarty, Michael Kelley, Thomas Lyons, William Lyons, Anthony Sulladin, jr., Thaddeus Wilbur, William Drury, John A. Place, Samuel B. Burchard, Thomas S. Mott, Nicholas Sands, Michael Gill, Daniel Donohue, James McNamarra, John McNamarra, Clark Cooley, Samuel Albro, Thomas S. Mott, James Donnelly, John D. McRae, Thomas Lyons, Daniel Donahue, Patrick McGann, John G. Cumberland, Nicholas Sands, Michael Gill, Daniel Donahue, James McNamarra, John McNamarra, Sylvester Murray, Cornelius Connors, John J. White, John D. McRae, Valentine Sayles, Patrick McGann, Cornelius Cassion, Henry H. Lyman, Anthony Salladin, jr., George Gill, Daniel G. Fort, Wm. Young, Alvin Martin, Wm. Drury, John B. Alexander, Thomas Pierson, Lewis Cluchie, James McNamarra, Alexander Lemmon, D. J. Van Auken, Thomas Austen, Thomas Roach, Edward Hennessy, Edward Matthews, John Tivlin, Philo Bundy, Patrick Hartney.

That said depositions will then and there be taken by and before W. W. Green, a notary public, and that the taking of said depositions will be continued from day to day thereafter at the same hour and place.

Dated at Oswego, February 5, 1879.

SEBASTIAN DUFFY,  
By H. D. BAKER, *Attorney.*

Dne service admitted this 5th day of February, 1879.

JOSEPH MASON,  
By J. J. LAMOREE, *Attorney.*

*Deposition of John Collins.*

The deposition of John Collins, of the city and county of Oswego, taken at the court-house in the city of Oswego, and county of Oswego, and State of New York, on the 7th day of February, A. D. 1879, being duly sworn, deposition taken in pursuance of notice hereunto filed and marked Contestant's Exhibit No. 1.

John J. Lamoree, esq., counsel for contestee, here said:

(Joseph Mason, member of Congress elect for the twenty-fourth Congressional district of the State of New York, asks and demands of Sebastian Duffy, contestant, that he elect as between the written notice of contest subscribed by him and served upon the member elect December 26, 1878, and a certain other communication by telegraph, bearing date Pulaski, N. Y., December 27, 1878, addressed to Joseph Mason and signed Sebastian Duffy, purporting to give notice as follows: "Served upon Joseph Mason December 30, 1878;" and that contestant now state which of said communications shall stand as the notice of contest in said case.

Counsel for Sebastian Duffy declines to elect, but states that he relies upon the written notice dated December 23, and served December 26.

2d. Joseph Mason, Congressman elect from the twenty-fourth district,

New York, asks and demands the said notice by telegram, referred to in specification 1 of his answer and also in specifications 8, 9, 10, 11, 12, 13, be stricken out of the case, 1st, upon the ground that it is not a written notice such as is required by the rules and practice in such case made and provided; 2d, that but one answer is permitted or provided for under the statute; 3d, that said notice was not served within thirty days after the result of the election held in the twenty-fourth Congressional district of the State of New York, November 5, 1878, had been determined by the officer or board of canvassers authorized by law to determine the same; 4th, that said notice is not in proper form, is incomplete in that it does not specify particularly the grounds upon which contestant relies, as required by the statute in such cases.

Contestant, Sebastian Duffy, offers in evidence contestant's notice of contest of date of December 23, 1878, and affidavit of proof of service of same of date of December 26, 1878, received on February 7, 1879.

Contestant Sebastian Duffy's notice of examination before W. W. Green, notary public, dated February 5, 1879, and proof of service thereof, dated February 7, 1879, offered in evidence and received, marked Exhibit No. 2.

Joseph Mason objects to the sufficiency of the notice served upon him December 26, 1878, in that it does not specify particularly the grounds upon which the said Sebastian Duffy relies in this contest, and that the same should be made more definite and certain, as required by section 105, chapter 8 of the Revised Statutes of the United States; and he objects to the reception of evidence under each and every of the specifications therein contained for the reasons aforesaid.

Same objections were made by John J. Lamoree as counsel for contestee.)

The deposition of JOHN COLLINS, as aforesaid, taken as aforesaid :

1. Question. Where do you reside, Mr. Collins?—Answer. In the fourth ward of the city of Oswego.

2. Q. What is your age?—A. My age I should think about thirty-one or two.

3. Q. What is your occupation?—A. Laborer.

4. Q. How long have you resided in Oswego City?—A. Fifteen years.

5. Q. How long have you resided in the fourth ward?—A. During the whole time.

6. Q. Are you a voter?—A. Yes, sir.

7. Q. How long have you been a voter?—A. Since 1869.

8. Q. Were you registered in the register of the fourth ward for the election on the 5th of November last?

(Objected to on the ground that the registry is the best evidence of that fact.)

A. I was registered last fall.

9. Q. Were you at the polls of the fourth ward on the 5th day of November last?—A. I was.

10. Q. Did you vote upon that day?—A. Yes, sir.

11. Q. State whether or not you was paid any money or promised any reward by Mr. Mason or any person in his behalf on the day of the election or the preceding day?—A. I was.

12. Q. Which was it; was you paid money or promised money?—A. I was paid money.

13. Q. By whom was you paid money, and how much, and when and where?—A. By Mr. John J. Lamoree; five dollars.

14. Q. When and where?—A. It was on the night preceding the election, in Cornelius Connors' shoe shop, on East First street.

15. Q. On East First street, in Oswego City?—A. Yes, sir.

16. Q. What time in the night was it?—A. I could not exactly tell. It was between eight and ten o'clock in the evening.

17. Q. Who was present at the time?—A. Cornelius Connors, Mr. Burchard, the revenue collector, a boy by the name of Stephen Hagerty.

18. Q. Had Mr. Lamoree or Mr. Burchard made any previous arrangement to meet you there?—A. No, sir.

19. Q. How long did they remain?—A. I could not exactly tell, should think about half an hour.

20. Q. Did they pay money to any one else in your presence, or either of them?—A. No, sir.

21. Q. Was the John J. Lamoree spoken of by you the same gentleman who sits at the table here as counsel for Mr. Mason?—A. This is the man. I don't know about his being counsel for him.

22. Q. What was your politics last election; were you Republican or Democrat?—A. It was Democratic, mixed up with a little Greenbackism.

Cross-examination by contestee's counsel, JOHN J. LAMOREE:

23. Q. Mr. Collins, have you any personal acquaintance with Mr. Lamoree up to the time referred to?—A. Not about election matters; no, sir.

24. Q. When did you next talk with Mr. Lamoree?—A. Did not speak with him after.

25. Q. Then you have had no acquaintance with him since?—A. No, sir.

26. Q. Do you know a man by the name of J. A. Beckwith, of Oswego City?—A. Yes, sir.

27. Q. And he is a Democratic politician?

(Objected to as calling for a conclusion instead of a fact.)

A. He is, or claims to be, a Democrat; don't know about his being a politician.

28. Q. How long have you been acquainted with Mr. Beckwith?—A. Think about ten years I have known him.

29. Q. Did you have a talk with Beckwith about a week or ten days since, on First street?—A. I did.

30. Q. Where were you just previous to that?—A. In Connors' shoe-shop—same Connors'.

31. Q. And did you talk with him in relation to this same contest?—A. We had a talk on that subject.

32. Q. And after that, did you go to see any one about getting some money?—A. I did not.

33. Q. You have not at any time been to see any one about getting money in this election matter?—A. No, sir.

34. Q. Did you go, or have you been at any time since the conversation with Beckwith, to see John A. Place?—A. I have, once, at Times office.

35. Q. And, sir, did you try to get money of him?—A. I did not.

36. Q. Did you have any conversation with him about money?—A. I did not.

37. Q. Did you say anything to him with reference to going away out of town, if he would give you money?—A. I did not.

38. Q. What day was that?—A. I think it was last week; some day this month.

39. Q. Did you say to Mr. Place that if he would help you get money

you should go away, or words to that effect?—A. There was no such conversation occurred at all.

40. Q. Do you know this Burchard that you have spoken of?—A. I know him by sight.

41. Q. No personal acquaintance with him?—A. No, sir.

42. Q. Have you ever had any personal conversation with him since the time you say the money was paid?—A. Yes.

43. Q. When did you first see Burchard to talk with him after the election?—A. I see him in his office. I think it was this week some time.

44. Q. Now, was it not last week, and the same day that you saw Place?—A. Yes, sir.

45. Q. Didn't you ask Burchard to pay you money?—A. No, sir.

46. Q. Did you say anything about paying you money?—A. No, sir.

47. Q. Which did you see first, Burchard or Place?—A. Burchard.

48. Q. What did you go to see Place for?—A. Mr. Burchard brought me there.

49. Q. What did you go to see Burchard for?—A. I went and told him that Mr. Duffy notified me of being one of the witnesses.

50. Q. Had you at that time seen Lamoree?—A. No, sir.

51. Q. Then you had before that time had a conversation with Sebastian Duffy?—A. Yes, sir.

52. Q. Had you talked with any one else except Beckwith and Duffy before going to Place and Burchard?—A. No, sir.

53. Q. Did you meet—you know Charles Doolittle, do you not?—A. Yes, sir; I do.

54. Q. He is a merchant in this city?—A. He keeps a hardware.

55. Q. Have you traded at his store?—A. I sometimes bought things there.

56. Q. Did you meet him yesterday near the Empire Hotel?—A. I did. I met him in the street.

57. Q. Did you have a conversation with him in reference to this contest?—A. I asked him some questions about it.

58. Q. Did you say to him, while talking about this matter of Duffy's contest, "There is money agoing, as I understand," and that you wanted him to get a stamp out of it, or words to that effect?—A. I did not.

59. Q. Did you say to him in that conversation, "You have always been a friend to me, and now I want you to help me"?—A. I did not.

60. Q. And that it had been a hard winter for you?—A. I did not.

61. Q. Did you ask Doolittle which side he was on?—A. I did not; I did not care a damn.

62. Q. Did you tell him you wanted to see him again?—A. I did not; but he told me he wanted to see me again.

63. Q. Did you come up into my office yesterday afternoon?—A. I did; was brought there.

64. Q. Did you ask me for money?—A. I did not.

65. Q. Did you ask any one for money while at my office?—A. I did not.

66. Q. Had you any conversation about money while there?—A. I did.

67. Q. And who did you have that conversation with?—A. With Charles Doolittle, and no one else.

68. Q. Did you tell him that you would go away if he paid you money?—A. I told him if he paid me \$50 I would leave town.

69. Q. Who else was in the office at the time this conversation happened?—A. Nobody.

70. Q. Do you know Mr. Dempsey here—Joseph Dempsey?—A. I do.

71. Q. Have you ever had any conversation with him about getting money?—A. Not a word.

72. Q. Did you come across the bridge with him yesterday?—A. I did.  
73. Q. Did you have any conversation with him relative to the Duffy contest?—A. Had some talk about it.

74. Q. Did you tell him while crossing the bridge that for a consideration you would agree not to testify in this case, or words to that effect?—A. I did not; for no consideration.

75. Q. Have you had any conversation with any one else about money?—A. No, sir.

76. Q. Then you have never spoken to me on the subject of being paid money to go away with?—A. No, sir; I did not want to leave town.

77. Q. Did Lamoree order you out of his office?—A. He did not; but he always invited me.

78. Q. Did you ever have a word with Mr. Lamoree about coming to my office?—A. No, sir.

79. Q. Did Mr. Lamoree ever tell you that he had sent for you?—A. No, sir.

80. Q. Did Mr. Lamoree ever offer you any money to leave town?—A. No, sir.

81. Q. Did not Mr. Lamoree tell you he would not pay any money?—A. He did; and I did not ask any money, either.

82. Q. Who was with Mr. Duffy when you talked with him?—A. Mr. Green, Mr. Duffy, and Connors.

83. Q. Mr. Green, one of the presiding officers?—A. Yes, sir.

84. Q. Where did that conversation take place?—A. At Connors'.

85. Q. Who was present?—A. Mr. Green, Mr. Duffy, and Mr. Connors and myself.

86. Q. How long did you talk there?—A. I should think about ten minutes.

87. Q. Did you ever have any talk with him on any occasion?—A. I did not.

88. Q. They were then hunting up proofs, as you understood, at the time?—A. I don't know; I understood so.

89. Q. On how many different occasions did you talk with Beckwith before you talked with Duffy?—A. Never but once.

90. Q. Did Beckwith ever pay you any money?—A. Never, except when I worked on the street.

91. Q. Then you have worked on the street in the employ of Beckwith?—A. I worked for the city; he was clerk for the street commissioner and paid me.

92. Q. You never worked for Beckwith at the polls?—A. No, sir; I worked for the party.

93. Q. And have you been in the habit of receiving compensation for your work on election-day?—A. Sometimes.

94. Q. And how many years have you done that?—A. I think once or twice.

95. Q. When were you first paid?—A. I can't tell; don't remember.

96. Q. Can you name any other occasions?—A. I cannot.

97. Q. Can you name any other person by whom?

(Objected to as immaterial to the issue. Notaries differed.)

A. I cannot recall any other person; it was a good many years ago.

98. Q. How many years ago?—A. It was since I became a voter; can't tell how many.

99. Q. Did you not receive money last spring?—A. No, sir.

101. Q. Did you ever sell your vote?—A. No, sir.

102. Q. Were you ever influenced in giving your vote by money?—A. Never, until you did it, and then you did not get the vote.

103. Q. And did you work for Duffy?—A. I did, sir; he was on my ticket.

104. Q. Then you did not work for Judge Mason last fall?—A. No, sir; I worked for Duffy.

105. Q. Did you promise to vote for Mason?—A. I did not.

106. Q. Did you promise to work for Mason?—A. I said I would help his election.

107. Q. How?—A. By getting votes for him, I suppose.

108. Q. Do you mean, sir, by buying votes?—A. No, sir.

109. Q. What do you mean by getting votes for him?—A. Yes; by asking my friends to vote for him.

110. Q. You mean by that you was paid money for your day's work?—A. I was paid money for my day's work and to get votes for Mason.

111. Q. But you did not get votes for Mason?—A. I did not ask for any.

112. Q. Did you intend to ask for any when you got the money? (Objected to as incompetent and immaterial. Notaries differed.)

A. I don't know what my intention was at the time.

113. Q. What did you do with the money?—A. I kept it.

114. Q. You say that you kept the \$5; did you keep the whole of it?—A. I did.

115. Q. But you have not got it now?—A. I have not that five.

116. Q. But you say you have \$5?—A. I have.

117. Q. Where did you get it?

(Objected to as immaterial.)

A. I got \$4.05 at the Midland office for working on railroad; other balance is my own money.

118. Q. Now, how much have you got?—A. I have got \$6 and some odd change.

119. Q. What consideration have you ever rendered for the \$5 claimed to have been paid you by Mr. Lamoree?

(Objected to as immaterial; notaries differ.)

A. Nothing.

120. Q. And it is your intention to keep that money?—A. Certainly it is.

121. Q. Did you intend to keep it when you took it?—A. I did. I did not intend to give it away.

122. Q. Did you intend to render any equivalent for it?—A. I can't tell now; I don't remember.

123. Q. At what time do you claim that the money was paid to you that night?—A. It was between eight and ten at night; I cannot tell exactly.

124. Q. I wish to know whether you are positive it was between those hours.—A. I am.

125. Q. How many rooms in Connors' shop are there?—A. There is a shoe-shop and two rooms, a cellar-way and room back of it.

126. Q. Where was it you say this money was paid?—A. In the front room, facing First street.

127. Q. What was the back room used for?—A. He keeps wood and coal and such stuff. It is a passage-way to his own house beside.

128. Q. You say that Mr. Lamoree took out the money and paid before Connors and Heagerty?—A. I do.

129. Q. How old a boy, apparently, was the boy Heagerty?—A. About 18 or 19 years old.

130. Q. Did Heagerty say anything?—A. He did not; never heard him speak.



131. Q. At any time while Lamoree and Burchard were there, did you hear him speak?—A. I did not.

132. Q. You are sure this money was paid right in the presence of Heagerty?—A. I am.

133. Q. And that he saw it?—A. I am not sure of that.

134. Q. Have you seen him since you saw Beckwith?—A. I am not sure of that.

135. Q. Have you not seen him within the last twenty hours?—A. I won't swear to that.

136. Q. You know where he lives?—A. I do.

137. Q. Where?—A. He lives on Seneca street, I think, between Eleventh and Twelfth.

138. Q. Have you ever been to his house?—A. I have never been there.

139. Q. Was Heagerty in the habit of coming in to Connors'?—A. I don't know that.

140. Q. Have you ever seen him there before or since?—A. I don't know.

141. Q. What business do you follow?—A. Laboring.

142. Q. Laboring at what?—A. All sorts of labor I can get.

143. Q. What have you been laboring at last year?—A. On the grain-dock and lumber-yard.

144. Q. Have you done any work during the past three months?—A. I have.

145. Q. What?—A. On the Midland Railroad.

146. Q. What did you do there?

(Objected to as immaterial.)

A. Shoveled snow.

147. Q. At how much a day?—A. Ninety cents.

148. Q. Are you a man of family?—A. Yes, sir.

149. Q. How large a family?—A. There are seven all told—wife and five children.

150. Q. You had a conversation with Mr. John A. Place about this matter?—A. I did.

151. Q. In the street?—A. No, sir.

152. Q. On Bridge street?—A. No, sir.

153. Q. Did you have a conversation with him this morning?—A. Yes, sir.

154. Q. In front of the Arcade Block?—A. Yes, sir.

155. Q. Did you say to Mr. Place that you would like to get money enough to go to Albany?—A. I did not. There was not a word about money passed between us.

156. Q. After leaving Mr. Lamoree's office yesterday, where did you go?—A. I went home.

157. Q. Where did you go from there?—A. To Charles Doolittle's store.

158. Q. What time did you go there?—A. After eight o'clock. He told me he would be in at that time.

159. Q. Who did you meet there?—A. I met Mr. Doolittle.

160. Q. Did you have a conversation with him there at that time?—A. I did.

161. Q. Was there any one else there?—A. There was; a stranger to me.

162. Q. Did you there say that you would swear against Duffy for a consideration?—A. I did not.

163. Q. Did you not say in that conversation that you was going to work for the side that paid the best, or words to that effect?—A. I did not

164. Q. Did you say to him that there was money in this matter, and you proposed to have some of it?—A. I did not.

165. Q. Did you say to him that your wife was expecting to be confined, and that you had to make a raise of money, or words to that effect?—A. I did not.

166. Q. Did you say to Doolittle that for \$10 you would swear against Lamoree?—A. I did not.

167. Q. No conversation on that subject?—A. Not a word.

168. Q. Was Mr. Place there?—A. He came in after the conversation. Mr. Burchard also came in with him.

169. Q. Did you, while at Doolittle's last evening, say that you ought to go as far as Buffalo or Albany?—A. I did not.

170. Q. Did you say anything in reference to Buffalo or Albany?—A. I said I would have to go as far as Buffalo or Albany to get out of the way.

171. Q. Did any one offer you any money?—A. Doolittle asked me if I would take \$10. I told him no; I did not care about going.

172. Q. Take \$10 for what?—A. For leaving town.

173. Q. Didn't you say you would leave town for \$10?—A. I did not. I told him I would leave for \$50.

174. Q. On the night before election where were you when Lamoree and Burchard came there?—A. I was in the shop.

175. Q. In the shoe-shop?—A. Shoe-shop; that was in the front.

176. Q. Did you have any conversation with Lamoree or with Burchard?—A. Not before.

177. Q. Did you that night?—A. Yes.

178. Q. With whom?—A. With you.

179. Q. With any one else?—A. Not that I know of.

180. Q. Who took part in the conversation?—A. Mr. Lamoree seemed to take most part in it.

181. Q. In what voice was the conversation?—A. Natural voice.

182. Q. Burchard present during all the conversation?—A. He was.

183. Q. Who else?—A. Connors and Heagerty.

184. Q. All in the front room?—A. Yes.

185. Q. And the money paid in the presence of all of them?—A. Yes, sir.

186. Q. Any thing said about keeping still about it?—A. No; not that I heard.

187. Q. Now, what did you understand you was receiving that money for?—A. I understood I was receiving it to work for Mr. Mason the next day.

188. Q. Then you understood that this was a compensation for your day's work?—A. I guess so.

189. Q. Do you know of anything else you was to do, except to work for Mason?—A. I do not.

190. Q. Did you not work all day for Mr. Higgins?—A. I did.

191. Q. And for Mr. Duffy?—A. I did.

192. Q. Are you a drinking man?—A. No, sir; I don't touch it.

193. Q. Have you never been drunk?—A. I have.

194. Q. And how many times?—A. A good many times.

195. Q. Were you drunk on election day?—A. No, sir.

196. Q. Did you drink anything on election day?—A. No, sir.

197. Q. Were you not so drunk you had to leave the polls about two or three o'clock?—A. I was not. I haven't tasted a sup in three years.

198. Q. Can you tell, sir, how Mr. Lamoree was dressed that day?—A. I can't give a description of his clothing.

199. Q. Can you state anything as to how he was dressed?—A. No, sir, I cannot, except that he wore black clothes.

200. Q. What sort of a hat did I wear?—A. I am not sure, but I think it was a Kossuth hat.

201. Q. Will you swear he did not wear a silk hat?—A. I will not.

202. Q. And you never had any conversation with him before; you never passed a word with him before?—A. I don't believe I did; can't swear positive.

203. Q. Did you pass a word with him after that and up to the time you came into my office, since this matter commenced?—A. I don't believe I did.

204. Q. Did you see Lamoree on election day?—A. I did.

205. Q. And where did you see Lamoree then?—A. At the fourth ward polls.

206. Q. Why didn't you talk with him?—A. Because I didn't want to.

207. Q. Then you didn't talk with him?—A. I did not.

208. Q. Did either one speak a word to each other?—A. Did not.

209. Q. Have you ever been arrested?—A. Not to my knowledge.

210. Q. Will you swear you have never been arrested?—A. I will not.

211. Q. Where were you born?—A. Ireland.

Re-examination by contestant's counsel:

212. Q. Mr. Collins, at the time Mr. Lamoree paid you this \$5, who did you understand you was to vote for for member of Congress?

(Objected to on the ground it is leading, immaterial, and incompetent.)

A. I understood he wanted me to vote for Mason.

213. Q. At that time how much was you receiving per day for labor?—A. Labor was worth a dollar a day.

214. Q. Where and when did you first have any conversation with Mr. Lamoree about your testifying here?—A. I can't say whether it was this week or last; in his office.

215. Q. State what, if anything, Mr. Lamoree said to you, either in his office or elsewhere, about your testifying.—A. He got one of his large books and read a few chapters, and said I was about as liable as he was. I said if he wasn't afraid of it, I wasn't.

216. Q. Did Mr. Lamoree in that conversation or any other tell you that he would deny the giving the money, or words to that effect?—A. He did.

217. Q. State what he did say about it.—A. He said if I came up before this commission and swore that he gave me money, he would swear to the contrary. I told him that was his privilege.

218. Q. Did he say to you he would have to get out of it the best way he could, or words to that effect?

(Objected to as incompetent and immaterial; and further that witness should do the swearing and not counsel, and leading.)

A. He did.

219. Q. State just what he did say; give his language as near as you can.—A. He said he would have to get out of it as near as he could.

220. Q. Who did you see in Mr. Lamoree's office?—A. I saw Mr. Charles Doolittle, Mr. Dempsey, and another gentleman, a stranger to me (pointing to Mr. Alexander).

221. Q. Had you seen Mr. Charles Doolittle before you saw him at Mr. Lamoree's office?—A. I saw him in the street before that.

222. Q. What time in the day and whereabouts in the street did you first see him?—A. About eleven o'clock, near Mr. Fort's coal-office; beyond that.

223. Q. What did he say to you at that time?—A. Nothing.

224. Q. When did you next see him?—A. At Mr. Lamoree's office.

225. Q. How did you first come to go to Mr. Lamoree's office?—A. I came first on the invitation of Mr. Tanning and Mr. Joseph Dempsey.

226. Q. Did you go with Mr. Dempsey to Mr. Lamoree's office yesterday afternoon?—A. I did.

227. Q. State what Mr. Dempsey said to you about going to Mr. Lamoree's office.

(Objected to as immaterial and incompetent.)

A. Mr. Dempsey met me on the west side of the river; halted me; told me Mr. Lamoree wanted to see me, and I went.

228. Q. Did Mr. Dempsey go with you?—A. He did.

229. Q. Who else was there?—A. I would not be positive whether Mr. Alexander was there at that time.

230. Q. Did you have any conversation with Mr. Lamoree about testifying in this matter?—A. He asked me if I would swear that he gave me any money. I said if I came here I would tell the truth.

231. Q. Was Mr. Doolittle there at this time?—A. He came in afterwards.

232. Q. State what occurred after Mr. Doolittle came in.—A. He took a chair and sat down. Mr. Lamoree asked Doolittle if he would lend me any money to go out of town. Mr. Doolittle asked me if \$10 would do. I told him no. He asked me if I would take \$25. I told him I would not; I did not care to go out of town at all. I told him there was two of my children unwell, and I was expecting other trouble in the family, and I made up my mind I would not leave town, and that ended the conversation there.

233. Q. State if you had conversation with Mr. Doolittle afterwards that day.—A. When I was leaving for home he said he would see me at the shop after supper—he was there till after nine o'clock—and would let me know what he could do.

234. Q. Were you in Mr. Lamoree's private office at any time yesterday?—A. Only at the time I have spoken of. The conversation was in the private office.

235. Q. Did you see Mr. Doolittle again?—A. I did.

236. Q. When and where?—A. At the store; it was after eight o'clock.

237. Q. What was said then?—A. He told me he could not afford to pay what I wanted to leave town; he said he was out of the ring, and that Mr. Place and Mr. Lamoree were the men; that was all.

238. Q. What did Mr. Burchard say to you at the time he took you to Mr. Place?—A. He said he wanted me to go up with him to see Mr. Place about the matter.

239. Q. What occurred when you went up to Mr. Place's?—A. When we got there he (Burchard) told Mr. Place that Mr. Duffy was in town; that this was one of his witnesses, and he had notified him as one of the witnesses. Place said he did not know much about it at present. He said to Burchard, "Go over to Lamoree and see what he would do about it."

240. Q. Did Burchard take you to Lamoree?—A. Yes, sir.

241. Q. What was said upon that occasion by Mr. Burchard and Mr. Lamoree?—A. I do not know what was said, except he read a few chapters of the election laws.

242. Q. Did you on yesterday or any other occasion ask Mr. Lamoree for money?—A. I did not, sir.

243. Q. Did you on that occasion, or any other occasion, ask any money from Mr. Doolittle?—A. I did not.

244. Q. Was there anything said on yesterday by you or Mr. Doolittle, or Mr. Burchard, or Mr. Lamoree, or Mr. Alexander about paying you money other than what you have stated?—A. I don't know of anything.

245. Q. On the day of election did you see Mr. Lamoree at the fourth ward poll?—A. I did.

246. Q. Who was with him?—A. Could not say.

247. Q. Was there any one with him?—A. Well, he was in the midst of a crowd and I could not say.

248. Q. How long did he remain at the polls?—A. I could not say.

249. Q. Was he about there more or less during the day?—A. I don't know that I saw him more than once.

250. Q. Did you see Mr. Burchard there?—A. I don't know whether he was there.

251. Q. Are you acquainted with Mr. Silas M. Allen, in revenue office with Mr. Burchard?—A. No, sir; I am not.

252. Q. At the time Mr. Lamoree paid you this \$5, did he instruct you what to do with the money?—A. When he gave me the money, he gave it to me in compensation for my labor, and to do all I could for Mr. Mason.

Recross-examination by contestee's counsel:

253. Q. And you did not keep the understanding?—A. I did not.

254. Q. And did you intend to keep it?—A. I could not say now what my intention was then.

255. Q. But you intended to keep the money whether you kept your promise or not?—A. Certainly; I got it for that.

256. Q. Was there anything said as to how you should vote?—A. I can't say as there was.

257. Q. I want you to fix the day when you first came to Mr. Lamoree's office.—A. I can't do it.

258. Q. I want you to fix it as near as you can.—A. It was this week or last. I could not say positively.

259. Q. Was it not Tuesday of this week?—A. It may be.

260. Q. Where do you say Mr. Lamoree was when you first saw him?—A. He was at the desk, writing.

261. Q. Now, sir, wasn't Mr. Lamoree called in from Mr. Getty's office?—A. I could not say.

262. Q. Don't you remember Mr. Lamoree was not in the office when you first came?—A. I cannot say positively.

263. Q. Wasn't D. L. Wilder having an examination in Getty's office?—A. I do not know; nor know the man.

264. Q. How long was Mr. Lamoree in the room with you and Burchard?—A. At that time about ten or fifteen minutes.

265. Q. Did Mr. Burchard introduce me to you on that occasion?—A. I could not say. I do not know.

266. Q. In going from your home or place of business to Mr. Burchard's office, do you pass by Mr. Lamoree's office?—A. If I go over the river I pass it.

267. Q. Did you that day, in going to Mr. Burchard's office, have to pass Mr. Lamoree's office?—A. I was over the river then. I did not have to pass it.

268. Q. Did you, after seeing Mr. Duffy, and before seeing Burchard, pass Mr. Lamoree's office?—A. I did.

269. Q. Why didn't you stop at Mr. Lamoree's office?—A. Because I did not intend, at that time, to visit you or Mr. Burchard.

270. Q. What business did you transact on the west side of the river ?—  
A. I went to the post-office to post some letters.

271. Q. To whom did you send some letters ?—A. I sent a letter to Ireland.

272. Q. Any other business that called you to the west side ?—A. No particular business.

273. Q. What time in the day did you call at Mr. Burchard's office ?—  
A. Between three and six o'clock.

274. Q. Can't you make it more definite ?—A. I cannot ; after three o'clock.

275. Q. Was it broad daylight ?—A. Yes.

276. Q. Was it broad daylight when you came to Lamoree's office ?—  
A. It was.

277. Q. And was it broad daylight when you reached home ?—A. That I can't tell you ; after six.

278. Q. You say on that occasion Mr. Lamoree took a book and read law to you ?—A. I did.

279. Q. Are you positive Lamoree took a book and read law to you ?—  
A. Not on that occasion.

280. Q. When do you say that Mr. Lamoree read the election law to you ?—A. It was after supper, that evening.

281. Q. Now, sir, did he read any law to you the first visit you made to his office ?—A. No.

282. Q. Didn't Mr. Lamoree say to you that he wouldn't give one cent to aid you to get away ?—A. He said, "I couldn't give money to anybody."

283. Q. Didn't Mr. Lamoree advise you to stay and swear to anything you knew ?—A. He didn't advise me to stay. He asked me if I was going to swear he gave me any money. I told him if I got here I would swear to the truth. He said, "Do so."

284. Q. Didn't he say to you that if you swore to anything but the truth he should expose it ?—A. He did not.

285. Q. Did he not say that in the presence of Charles Doolittle, Joseph Dempsey, Mr. Fanning, and to others in the office ?—A. He did not.

286. Q. Did not Mr. Lamoree, the first visit you made at the office with Mr. Burchard, after being informed as to the object of your visit, refuse to talk with you ?—A. He did not.

287. Q. And charge that you were endeavoring to blackmail ?—A. He did not.

387½. Q. And did not Mr. Lamoree substantially charge the same to you yesterday ?—A. He did not.

288. Q. Who did you see in what you call Mr. Lamoree's private office ?—  
A. Mr. Lamoree and Mr. Doolittle.

289. Q. Was there any one in Mr. Burchard's office when you called upon him, except Mr. Burchard ?—A. He was alone where he sat in his back office.

290. Q. Didn't you on three or four different occasions, while in the office of Mr. Lamoree, did you not threaten you should swear against Mr. Mason ?—A. I did not.

291. Q. Or words to that effect ?—A. No.

292. Q. Do you know the man that keeps saloon right near Connors' shoeshop ?—A. I am acquainted with him ; his name is McDowell.

293. Q. What do you say that Lamoree said in reference to loaning you money ?—A. He asked Mr. Doolittle if he could give Mr. Collins some money to go out of town with.

294. Q. Just as Mr. Doolittle came in, had you not been asking Mr. Lamoree for money?—A. No, sir; I was not.

295. Q. And wasn't Mr. Lamoree, as Mr. Doolittle came in, ridiculing your proposition for money?—A. He was not.

296. Q. And when Mr. Doolittle came in, did not Mr. Lamoree say this, referring to you, "Doolittle, this man wants to get some money out of this Duffy matter, and I have said to him that I'll not give him one cent, nor any other man. He says he wants to go out of town, and wants to get a loan for that purpose. Perhaps you'd like to invest." Isn't that the language, or something to that effect, that was used there?—A. Not a word of it; not a single syllable.

297. Q. Then did you not afterwards request Doolittle to loan you some money?—A. I did not.

298. Q. Did not Mr. Doolittle, in the conversation with you and in my absence, say to you, "Mr. Collins, you propose to go away for \$50; what will you ask to stay and swear against John Lamoree?"—A. He did not.

298½. Q. And didn't you say this: "Well, which side are you on?" And didn't you subsequently say to Mr. Doolittle you would stay and swear against John Lamoree for \$10?—A. There was no such conversation.

299. Q. And didn't you say to him, that is, to Doolittle, that you proposed to have some money out of this case, on one side or the other?—A. I did not.

300. Q. Haven't you repeatedly said so within the last ten days?—A. I have not said a word about it to any man.

301. Q. Where did you go after you were examined this forenoon?—A. I went home to dinner.

302. Q. Directly from here?—A. Directly.

303. Q. Any one go with you?—A. I went alone and came back alone.

304. Q. Did you talk with any one during the recess for dinner, with reference to what you should swear to?—A. I did not.

305. Q. Did you talk with any one this morning with reference to what you should swear to to-day?—A. I did not.

306. Q. Have you talked with any one during the past two days in reference to what you should swear to at this examination?—A. I did not, except what I talked with you.

307. Q. On the subject of what you have stated to-day?—A. No, except what I have stated.

308. Q. Then you have never talked with Mr. Duffy nor Mr. Baker nor any one connected with contestant, about what you should swear to in this matter?—A. I have not.

309. Q. Have you ever stated over to any of them what you know in this case?—A. I have not. I have not seen them except at the trial.

310. Q. Have you ever told any one what you know about the case?—A. No one that I remember.

JNO. COLLINS.

Sworn and subscribed February 7, 1879.

WILLIAM W. GREEN,  
Notary Public.

S. M. COON,  
Notary Public.

*Deposition of Daniel G. Donahue.*

DANIEL G. DONAHUE, the witness, being duly sworn, deposition taken in pursuance of notice filed, says as follows:

311. Question. State your name in full, age, and place of residence.—

Answer. Daniel G. Donahue ; I reside in Oswego City, fifth ward ; age, twenty-six years 10th day of last January.

312. Q. What is your occupation ?—A. A public speaker.

313. Q. How long have you resided in the fifth ward ?—A. As long as I can remember ; probably fifteen or twenty years.

314. Q. How long have you been voting ?—A. About five years ; since I was twenty-one years of age, being deprived two years of citizenship.

315. Q. Did you vote in the election held on the 5th day of November last ?—A. I did, for a fact.

316. Q. At that time you knew who were the opposing candidates for Congress in this district ?—A. I did, in this district.

317. Q. Were you a Republican, Democrat, or Greenbacker ?—A. I was a member of the Greenback party last fall.

318. Q. Were you in attendance at the fifth ward poll on that day ?—A. I was, for a fact.

319. Q. The election was held on what day ?—A. The 5th day of November.

320. Q. Were you paid any money or promised any reward by Mr. Mason or any person in his behalf, on the day of the election, or at any time preceding that, either to influence your vote or to cause you to influence any others in favor of Mr. Mason ?—A. No, sir ; I was not.

321. Q. Did you peddle tickets on the day of election ?—A. Yes, sir ; I did.

322. Q. Was there any promise made to you by Mr. Mason, or any one in his behalf, either for your vote or your services at the polls in his behalf ?—A. None whatever, to my knowledge.

323. Q. Did you see any money used either on that day or the preceding days or nights, in favor of Mr. Mason ?—A. No, sir ; I did not.

324. Q. Prior to the day of election did you have any conversation with Mr. Samuel Burchard, Mr. Lamoree, Mr. Silas Allen, Mr. John A. Place, Mr. Root, Mr. Mott, or Mr. J. B. Alexander, about the election of Mr. Mason ?—A. No, sir ; I did not.

325. Q. Did you have a talk with any one about the election of Mr. Mason on any day prior to the election ?—A. No recollection.

326. Q. Did you receive any pay for being and staying at the polls on the 5th day of November last ?—A. No, sir ; I did not.

327. Q. Do you know and are you acquainted with Mr. John J. Lamoree, counsel for contestee in this case ?—A. I am acquainted five or six years.

328. Q. Have you had an interview or interviews with Mr. Lamoree within the past week ?—A. None, to my knowledge.

329. Q. Did you not have an interview with Mr. Lamoree on yesterday ?—A. No, sir ; I did not.

330. Q. Were you at his office the day previous ?—A. No, sir ; I was not.

331. Q. Had you an interview with John N. Place, or any one connected with the Times office ?—A. I had not.

332. Q. Do you know Mr. Edward Scully ?—A. Yes, sir.

333. Q. Have you had any conversation with him lately ?—A. Yes, sir.

334. Q. Within what time ?—A. About three or four o'clock last evening.

335. Q. Have you had a conversation two or three days before that ?—A. Yes, sir.

336. Q. Did you state to Mr. Scully in a conversation with him the past week that you had been paid money by one of Mr. Mason's friends, or words to that effect ?



(Objected to, first, because it was immaterial and does not relate to the issues here on trial; second, that they cannot impugn their own witness and would be bound by the answer.

Notaries disagree: W. W. Green, for admission on the ground of materiality only; S. M. Coon, for exclusion.)

—A. I was asked the question by Mr. Scully. I did not tell him that I had received any money.

Cross-examination:

337. Q. You say that you are a public speaker?—A. Yes, sir.

338. Q. And did you take part in the political campaign last fall?—A. I stumped this city and a part of the county in the interest of the Greenback candidates last fall.

339. Q. And did you speak in Madison County?—A. Yes, sir; I did, in Munsville, Madison County.

340. Q. Were you a delegate in the convention that nominated Mr. Duffy?—A. No, sir; I was not.

341. Q. Did you meet Mr. Duffy after his nomination and with reference to your appointments or part in the campaign?—A. I met him at Munsville shortly after he received the nomination for Greenback member of Congress in this Congressional district.

342. Q. Did you have any conversation in reference to receiving any compensation for your political services?—A. No, sir; not at that time.

343. Q. Did you at any time?—A. I made an appointment there to meet him in Oswego.

344. Q. For what purpose?—A. For the purpose of making an agreement with him to stump the county in his behalf.

345. Q. And did you meet him?—A. I did.

346. Q. And if so, when and where?—A. I met him at Galen Onderkirk's office, the Greenback candidate for member of assembly in this district.

347. Q. Onderkirk edited the Greenback organ of this county, did he not?—A. Yes, sir.

348. Q. Can you give the date of that meeting?—A. No, sir; I cannot.

349. Q. State what arrangement, if any, was made between you and Professor Duffy in reference to the payment of money for your services.—A. Yes, sir; he told me I could consider myself employed to stump the county and city in his behalf, and stated that he would give me a compensation of \$25 for my services.

350. Q. State what you may know in reference to his paying money to any persons or person besides yourself?—A. I know of a note or check—a check, I think, it was; it was a check—from Sebastian Duffy, the Greenback and Democratic candidate for member of Congress in this district, in the hands of John Dowdle, our present county treasurer, for the amount of \$50.

351. Q. How long was this before the election?—A. About two or three weeks; I won't state positively.

352. Q. Do you know whether that check was given for political purposes?—A. I know it was given for political purposes.

353. Q. Did you meet Sebastian Duffy about election time?—A. I did, for a fact; I met him at the Doolittle House, in this city, and had a conversation with him about the political situation of the city and county. He then told me he believed the contest would be close between him and Judge Mason.

354. Q. Where was that conversation in the Doolittle House?—A. At the clerk's desk, on the first floor.

355. Q. Was there any one present besides Duffy and yourself?—A. John A. Burry, and others not known to me.

356. Q. Did you have any further conversation with him?—A. Yes, sir; I did. Mr. Duffy then stated to me to come up to his room, and he would give me some money to buy votes with in my ward. I then asked him, after we got in the room and after we locked the door, how much he was going to give me that evening. He said that he would let me have \$3.50, that being all the money he could spare me, as it took considerable to go around among the boys. I took the \$3.50 and pocketed it, and bid him farewell and hoped he would be elected.

357. Q. Was there anything said there in reference to buying votes?—A. Yes, sir.

358. Q. What was said about buying votes?—A. He told me, after he gave me the \$3.50, that he thought I could buy considerable many votes for that amount. He wanted to know what amount; he wanted to know how many. I told him I thought that much would buy seven at 50 cents apiece. He said that it ought to buy fourteen votes at 25 cents apiece.

359. Q. Anything further said with reference to who you should buy?—A. Yes, sir; there was.

359½. Q. Will you state?—A. I was to buy Republican votes for this man with the money.

360. Q. Did you buy any votes?—A. No, sir; not a vote.

361. Q. Was there anything said in that conversation in reference to giving money to others for the purpose of buying votes?—A. Yes, sir, there was.

362. Q. What did he say on that subject?—A. Said he had to give money to some of the boys to buy votes with.

363. Q. Was there any one present with you on that occasion?—A. No, sir; only ourselves.

364. Q. Do you know how much Duffy ran behind in your ward?—A. No, sir; I do not.

Adjourned to nine o'clock to-morrow February 8.

At 9 o'clock a. m., February 8, counsel for contestee resumed the cross-examination before the notaries, as follows:

365. Q. Did you, in the campaign, speak jointly with Duffy at political meetings?—A. No, sir.

366. Q. Where did you speak?—A. I spoke at Munsville, Madison County, and in Fairdale, Oswego County, and Peck's Mills, Oswego County, and in six of the eight wards of Oswego City, and in ratification meetings in this city—Greenback ratification meetings in this city.

367. Q. How were your expenses to be paid?—A. They were to be paid by the candidates nominated in the Greenback conventions in this city, county, and Congressional district.

368. Q. Have you had any conversation with Mr. Duffy since this contest commenced in reference to this contest?—A. Yes, sir; I have.

369. Q. When and where?—A. I held a conversation with him in Mr. Onderkirk's office.

370. Q. Have you had any conversation with him within the past four weeks?—A. No, sir.

371. Q. Have you with any one else on the part of Duffy?—A. Yes, sir; I have.

372. Q. With whom?—A. With Mr. Baker, counsel for Mr. Duffy—H. D. Baker.

373. Q. Any one else present?—A. No, sir.

374. Q. Where did that conversation take place?—A. In Poucher's private office.

375. Q. You may give that conversation.—A. He asked me if I hadn't been subpoenaed on this case. I stated I had. He asked me what I knew about the case. I told him I would let him know after I was under oath. He says, "You are one of our principal witnesses in this case," and wanted me to make a written statement in regard to what I knew about it. That I positively declined to do. He said he wanted the names of six of the best swearers to go to Washington, and he thought I'd make a real-hot swearer; nothing said about Collins being one of the six. That is about the sum and substance of the conversation.

376. Q. Anything said about making anything out of it? If so, state what.—A. He said if I should be taken to Washington as a witness my expenses and railroad fare would be paid, and I should be making a pretty good thing out of it.

377. Q. Anything said about what he expected to make out of it?—A. No, sir; nothing.

378. Q. Was there anything said in the conversation about the money you had received from Mr. Duffy prior to the election for election purposes?—A. Yes, sir.

379. Q. I have reference to the money you received the night before election. State what he said about that.—A. He said Duffy admitted to him that he gave me money in the Doolittle House.

380. Q. And did he suggest any way to suppress that fact?—A. No, sir; he did not.

381. Q. Did he tell you who he had secured as witnesses on the part Duffy in this case?—A. I disremember.

382. Q. Did he name any others to whom Duffy paid money?—A. No, sir; he did not.

383. Q. Was there anything said in this conversation about your being Duffy's armor-bearer?—A. No, sir.

384. Q. Did you ever hear Duffy say anything about how much money he put into the campaign?—A. No, sir.

385. Q. Did you ever have any conversation with Duffy about your being a witness in this case?—A. No, sir.

#### Redirect examination of D. G. DONAHUE:

386. Q. Mr. Donahue, you stated in your examination in chief that you were twenty-six years of age, and that you had been a voter since of age, except about two years. Where were you during that time?

(Objected to as irrelevant to the issues here on trial—cites Key against Young, Contested Election Cases, second session Fortieth Congress, p. 201. Objection sustained.)

Contestant's counsel asks it be answered for the purpose of affecting the credibility of the witness.

Objected to on the ground that he cannot affect the credibility of his own witness. Overruled.)

387. Q. Do you know where the Arcade Block, in the city of Oswego, is?—A. I do.

388. Q. Do you know that Mr. John J. Lamoree, counsel for contestee, has an office in the Arcade Block?—A. I do.

389. Q. Were you not in the Arcade Block day before yesterday?—A. I disremember.

390. Q. Do you disremember being in Mr. Lamoree's office on that day?—A. No, sir; I was not in Mr. Lamoree's office on that day.

391. Q. Have you had any conversation with Mr. Lamoree since you testified yesterday?—A. Yes, sir, I have.

392. Q. Did you have any conversation with Mr. Lamoree on yesterday?—A. No, sir; I think not.

393. Q. Have you talked with any one in the past four days and told them what you would testify to?—A. No, sir; I have not.

394. Q. Are you acquainted with Mr. John B. Higgins?—A. I am, sir.

395. Q. Do you not recollect seeing Mr. John B. Higgins in the Arcade Block, as you were passing to Lamoree's office, day before yesterday?—A. I do not.

396. Q. Do you know Mr. Joseph Dempsey?—A. I do.

397. Q. Have you had any conversation with him in the last few days?—A. No, sir; I have not.

398. Q. In your cross-examination, in answer to question number 350, put by Mr. Lamoree, you say that you have seen a check in the hands of John Dowdle, our present county treasurer, for the amount of \$50, from Sebastian Duffy, the Greenback and Democratic candidate from this district; do you wish to be understood as swearing that you saw that check, or any other check given by Mr. Duffy, in the hands of Mr. Dowdle?—A. I saw the check in the hand of John Dowdle, and heard it read.

399. Q. Give the date of the check, place where issued, at what bank made payable, to whom payable, and how signed.—A. It was made payable to John Dowdle, signed by Sebastian Duffy; don't know what bank, and disremember the date. I think it was on a bank at Pulaski.

400. Q. Did the check express in the body of it what the money was for?—A. I don't remember.

401. Q. Was it payable to Mr. Dowdle individually?—A. Yes, sir.

402. Q. When and where did you see the check? I want the date as near as you can give it.—A. We were standing on East Seneca and First streets; and the check was read to me about a month previous to election.

403. Q. Who read it to you?—A. John Dowdle.

404. Q. How did he come to read it?—A. I was talking about the amount each candidate was assessed by the county committee.

405. Q. Do you know whether Mr. Dowdle was a member of the Greenback committee or not?—A. Yes, sir; he was.

406. Q. What position did he hold in that committee?—A. He was treasurer; I know that fact.

407. Q. Did he have this check, as treasurer, to pay the assessment that had been made on Duffy by the county committee to pay the legitimate expenses of the campaign?—A. That I don't know; I know he paid that as his assessment.

408. Q. Was you a member of that committee?—A. No, sir; I was not.

409. Q. Were you employed during the late campaign to make speeches for the Greenback party?—A. No, sir; I was not employed by the county committee.

410. Q. Were you employed by Mr. Duffy to go to Munsville to make your speech there?—A. No, sir; I was not.

411. Q. By whom were you employed to go to Munsville?—A. By no one.

412. Q. There was where you first met Mr. Duffy?—A. Yes, sir.

413. Q. And you there introduced yourself to Mr. Duffy?—A. No, sir.

414. Q. How did you obtain an introduction to him?—A. I believe I was introduced to him by the proprietor of the hotel there.

415. Q. In the hotel or in the hall where he had spoken?—A. In the hall; the hall was in the hotel.

416. Q. What was the proprietor's name?—A. I disremember.

417. Q. How long was this before election?—A. It was on or about the 20th of September.

418. Q. Were you acquainted with this proprietor?—A. Yes, sir.

419. Q. How long had you been acquainted?—A. About three or four months.

420. Q. Mr. Duffy pay you for speaking there?—A. No, sir.

421. Q. Did he pay your expenses?—A. No, sir.

422. Q. Where did you next see Mr. Duffy?—A. In Oswego.

423. Q. How long after, and whereabouts?—A. I met him two or three weeks after, by appointment, in Onderkirk's office.

424. Q. Where did you make this appointment?—A. At Munsville.

425. Q. In whose presence?—A. In Mr. Duffy's; no one else present.

426. Q. On this occasion of this meeting at Munsville, did you say anything to Mr. Duffy about having your expenses paid?—A. No, sir.

427. Q. Did you next meet at the office of Galen Onderkirk?—A. Yes, sir.

428. Q. Now, Mr. Donahue, I would like you to tell me how long after you met him at Munsville that you met him at Onderkirk's office; was it two weeks, three weeks, or was it intermediate that time?—A. I can't state that.

429. Q. Who was present at the time you had the interview with him at Galen Onderkirk's office?—A. No one but ourselves.

430. Q. Did he send for you, or did you go there voluntarily?—A. No, sir; I was up there and met him.

431. Q. What month, what day of the month, and what day of the week?—A. I can't tell that; I should judge it was on or about the 5th of October.

432. Q. What makes you think it was about that time?—A. Because I met him at Munsville on or about the 20th of September, and this was about two or three weeks after.

433. Q. Did Mr. Duffy pay you any money there?—A. No, sir.

434. Q. When did you next see Mr. Duffy?—A. At the Doolittle House on the evening before the election.

435. Q. At what hour in the evening was it?—A. About seven o'clock.

436. Q. Did he send for you?—A. I don't know whether he told the individual to tell me to come up there or not.

437. Q. Who was the person that told you to go up there?—A. John A. Barry, editor of the Palladium.

438. Q. In what part of the Doolittle House did you first see Mr. Duffy?—A. At the clerk's desk.

439. Q. Who was with him?—A. He was sitting alone when I first went in. John A. Barry came in shortly afterwards.

440. Q. Was he behind the desk?—A. No, sir; he was outside.

441. Q. On which side?—A. On the east side of the desk.

442. Q. How long had you talked with him before Mr. Barry came?—A. About five minutes.

443. Q. Did you still continue to talk?—A. No, sir; Mr. Barry interrupted our conversation about ten minutes.

444. Q. Any one else there in your interview?—A. No, sir; that was all.

445. Q. What occurred after that?—A. We then began to converse on the political situation of the county and city, sitting on the long seat east of the desk.

446. Q. And continued to sit there?—A. For a short space of time.
447. Q. How long?—A. I should judge about fifteen minutes.
448. Q. Did you then leave him?—A. No, sir.
449. Q. What did you do?—A. I went up to his room.
450. Q. What was the number of his room?—A. That I could not swear positively to, but think it was 24.
451. Q. What floor was the room on?—A. It was the first floor over the office.
452. Q. Which side of the hall?—A. North side.
453. Q. Which end of the building?—A. About the center of the building, on the north side.
454. Q. Well, you went to his room, you say?—A. Yes, sir.
455. Q. Did you not tell him in that conversation you had done a great deal of work for him, and he ought to pay you?—A. No, sir; he knew that without my telling him.
456. Q. Did you not also tell him that you had been at considerable expense in traveling through the city and county, and then ask him if he could not help you out, or words to that effect?—A. No, sir; I did not.
457. Q. Did you say anything to him about any expense you had been to?—A. No, sir; not to my knowledge.
458. Q. Who had paid your expenses to this time?—A. I paid part of them myself.
459. Q. Your entire expenses had not been paid by any person up to this time?—A. No, sir.
460. Q. How much were your expenses of this campaign that had not been paid?—A. That I can't tell.
461. Q. Can you approximate it?—A. About \$35.
462. Q. Were you employed in any business before the campaign?—A. No, sir; I was engaged in business, though.
463. Q. What were you engaged in?—A. As a temperance lecturer.
464. Q. What day did you make your first speech in the campaign? (Objected to as immaterial.)
- A. I can't tell.
465. Q. Can't tell the month, week, or day of the week?—A. I can't tell.
466. Q. About what time?—A. About September.
467. Q. Did you keep a diary during the campaign and an expense account?—A. No, sir; I did not.
468. Q. On the day that you made your first speech, how much money did you have, either on deposit or that you could draw upon?—A. I can't tell.
469. Q. Did you have any?—A. I can't tell; generally have a stamp about me.
470. Q. How much money did you have at that time, according to your best recollection?
- (Objected to as irrelevant and intended to annoy the witness. Overruled.)
- A. My best recollection is that I had from five to ten dollars about me.
471. Q. Who did you get it from?
- (Objected to as irrelevant and immaterial. Overruled.)
- A. When I was at Munsville, and after making a political speech there. I was advertised to speak on the subject of temperance. I received between five and six dollars from the congregation at a temperance lecture in a small town about three miles north of Munsville; can't name the place.

472. Q. How long was it after you made the temperance speech did you make the first political speech?—A. I made the first political speech about the 20th, and I delivered temperance lecture the Sunday evening following.

473. Q. How many days intervened?—A. Two or three days. Between three and five days.

474. Q. Did you leave Munsville and come to Oswego?—A. No, sir; not direct. I went to the Fulton fair.

475. Q. Did you make any speeches in the mean time?—A. No, sir; I did not.

476. Q. Did you collect any money in the mean time?—A. No, sir.

477. Q. Did you pay out any?—A. I did.

478. Q. How much?—A. I don't remember.

479. Q. Did you pay out three dollars?—A. No, sir; I think not.

480. Q. What is your best judgment as to the amount you paid out up to the time of your arrival at the Fulton fair?—A. About \$2.50.

481. Q. How long did you stay there?—A. Two days.

482. Q. Did you collect any money there?—A. No, sir; I am not a collector.

483. Q. Did you pay out any money at the fair?—A. Probably about a dollar.

484. Q. How much?—A. Probably a dollar.

485. Q. Did you come from Fulton fair directly to Oswego?—A. Yes, sir.

486. Q. How long after your arrival at Oswego did you next make your next political speech?—A. But a short time after, in the fifth ward; can't tell day or date of the political speeches.

487. Q. From the time you returned from the Fulton fair till you made that speech in the fifth ward how much did you pay out of the \$6?—A. I don't know whether I paid it, spent or not.

488. Q. Did you collect any money between the time you returned from Fulton and the time you made this speech in fifth ward from what was due you, or did you receive any?—A. I received.

489. Q. From whom, and how much?—A. I received \$5 from Morgan Van Buren, the Greenback candidate for county sheriff.

490. Q. When was that?—A. I can't tell; previous to election.

491. Q. What did you do with that money?—A. I spent it.

492. Q. How long did it take you to spend it?—A. But a short space of time.

493. Q. When did you next receive any money?—A. The night previous to election.

494. Q. How long before election was it that Mr. Van Buren paid you this \$5?—A. About six weeks.

495. Q. Are you married or a single man?—A. I am a single man.

496. Q. Do you board?—A. I stop at home.

497. Q. Do you pay your board?—A. Not regular.

498. Q. Did you pay any board intermediate the time between this payment of Van Buren and the election day?—A. No, sir; I did not.

499. Q. Did you buy any clothing and shoes or boots in this time?—A. Yes, sir; I bought a pair of shoes.

500. Q. Did you pay any traveling expenses intermediate the time?—A. No, sir; not to my knowledge.

501. Q. Did you spend any money from the time you disposed of this \$5 and the night before the last election?—A. Yes, sir; I did.

502. Q. How much?—A. I can't tell.

503. Q. How much money did you have on the day of election?—A. I had probably five or six dollars.

504. Q. Any more than that?—A. No, sir.

505. Q. Did you exhibit that money, or any part of it, at the polls on election day?—A. I did not.

506. Q. Did you use any part of this three dollars and a half you got from Duffy to buy votes?—A. No, sir; I did not.

507. Q. Did you say anything on the day of election to the effect that you had plenty of money?—A. No, sir.

508. Q. Have you ever been convicted of a felony?

Declined to answer.

509. Q. Did you not say on the day of election to a number of persons that you had received twenty-five dollars from J. B. Alexander on the morning of the election to buy votes for Mason on that day?

(Objected to as immaterial, incompetent, and improper; that contestant cannot bind Judge Mason by such declaration, and has vouched for the integrity of the witness whom he has called upon the stand.)

Notaries differed: William W. Green in favor of admission as material, and T. M. Coon holding it as immaterial; it having been agreed at the beginning of this examination that the only question the notaries had power to decide is that of materiality and relevancy.)

A. I disremember.

Recross-examination for contestee:

510. Q. You say that you have talked with Mr. Lamoree since you left the stand yesterday?—A. Yes, sir.

511. Q. When and where?—A. In public here in the court-room.

512. Q. Did it relate, in any manner, to the testimony in this case?—A. It did not.

513. Q. Do you remember the day on which Mr. Duffy received the indorsement of the Democratic convention?—A. I do not know, but did at the time.

514. Q. Do you know he came from the convention to Munsville?—A. I think it was after he being nominated by the Greenbackers that he came to Munsville.

515. Q. Have you been in Mr. Lamoree's office at any time since election November 5?—A. No, sir; I think not.

Second redirect examination:

516. Q. Was you in his office before the election?—A. No, sir; I think not.

517. Q. Was you at Mr. Tanning's house this morning early?—A. I passed by there.

518. Q. Did you stop?—A. Yes, sir.

519. Q. Did you talk with Mr. Tanning?—A. Yes, sir.

520. Q. Did you not ask Mr. Tanning how he thought you had testified and how you could avoid a cross-examination?

(Objected to as immaterial, incompetent, and does not relate to the issues upon trial, and for the further reason that it is calculated to annoy the contestant's own witness.)

Counsel for contestant says: I offer it; the contestant deeming the witness to be a hostile witness, was, before being examined this morning, consulting with Mr. Tanning and others about how his testimony had been taken by the public, and seeking information as to how he could avoid being cross-examined as to his testimony by the contestant on a redirect examination, and is offered for the purpose of spreading the hostility of the witness upon the record. Objection is withdrawn.)



A. No, sir; I did not.

521. Q. Did you say anything to Mr. Tanning at all about your examination?—A. No, sir; not a word.

522. Q. Did you say anything to Mr. Joe Dempsey and ask him if I could cross-examine you?—A. I disremember.

523. Q. Did you say anything to Mr. Charles Robinson this morning about your examination and ask him if you could be cross-examined by me?

(Objected for all the reasons assigned in the question to Tanning, and which in that question was waived. Green in favor of admitting it; Coon, contrary.)

A. I may have.

524. Q. Do you not know that you did?—A. No.

525. Q. Did you have a conversation with Joseph Dempsey this morning?—A. I may have had.

526. Q. Will you swear that you did not hold a conversation on this morning with Joseph Dempsey, in which conversation you asked him if I would be permitted to cross-examine you as to what you had testified to?—A. No, I will not.

527. Q. Is your recollection as to what occurred this morning as distinct as it is as to those matters that occurred in November last?—A. It is.

D. G. DONAHUE.

Sworn and subscribed February 8, 1879.

WILLIAM W. GREEN,  
*Notary Public.*

S. M. COON,  
*Notary Public.*

*Deposition of Thaddeus Wilbur.*

The witness being duly sworn, deposition taken in pursuance of notice herewith filed.

528. Question. What is your age, residence, and occupation?—Answer. Forty-seven years old; I team it around town; residence, 163 East Fourth street, Oswego City.

529. Q. What ward do you reside in now, and what ward did you reside in on the 5th of November last?—A. Eighth ward.

530. Q. How long have you resided in the eighth ward of the city?—A. Twenty years or over.

531. Q. Were you a voter in the election the Republicans had there on the 5th day of November last?—A. No, sir.

532. Q. Did you receive any money from Mr. Lamoree, Mr. Burchard, or either of them, or any other person, to influence your vote or the vote of any other person at that election?—A. No, sir.

533. Q. Did you work at the polls that day?—A. Yes, sir.

533½. Q. All day?—A. Yes, sir.

534. Q. Did you receive any compensation, or was there any promise of compensation made to you, for your day's labor at the polls?—A. No, sir.

535. Q. Do you know of any money being used, either by Mr. Mason, Mr. Lamoree, Mr. Burchard, Mr. Dempsey, or any one in behalf of Mr. Mason, either to pay men for their time at the polls or for any other purpose?—A. I do not, sir.

536. Q. Do you know of any promises being made to the same effect?—A. I do not, sir.

537. Q. Do you know of any money being used, or of any promises being made, or of any inducements being held out to any voter in behalf of Mr. Mason at any time prior to or on the day of election?—A. I do not, sir.

538. Q. As near as you can recollect, give the names of any and all persons that you know were in attendance at the eighth ward polls distributing tickets and looking after and bringing in voters on the part of the Republicans that day.—A. I couldn't give you one, sir. My business didn't allow me to be looking after that kind of business. I saw one or two gentlemen there. I know Mr. North and Mr. Arden had a team there; I think for the Republican party. Mr. William Dury and Mr. Celeste Morgan were there.

539. Q. Did you notice the persons who were brought to the polls in Mr. Arden's hack?—A. I did not.

540. Q. Can you tell whether they were exclusively lame, sick, or indigent persons?—A. I could not tell that, because I did not see them.

541. Q. Can you tell of your own knowledge by whom the hack was hired?—A. No, sir; I cannot.

542. Q. Are you acquainted with T. B. Burchard?—A. I am.

543. Q. Are you acquainted with Mr. John J. Lamoree, Mr. Silas Allen, John N. Place, John B. Alexander, Mr. William F. McNall, Daniel G. Fort, Mr. Joseph Dempsey?—A. I am; to meet them in the street and bow to them, except to Mr. Place and Mr. Alexander. Mr. Place I know by sight, Alexander not at all.

544. Q. Did you see either or all of the above parties at the eighth ward polls on the 5th of November last in any part of the day?—A. I did see one, Mr. Lamoree, and that is all I saw there that day.

545. Q. During what portion of the day did you see Mr. Lamoree at the polls there?—A. I couldn't tell whether before dinner or after, I saw him that day.

546. Q. How long was he there?—A. Could not say.

547. Q. Can you say as to whether he was bringing voters there, distributing tickets, or inducing men to vote?—A. I could not, sir.

548. Q. Did you have any conversation with him there?—A. No, sir; I never spoke with him at all.

549. Q. Did you have any conversation with him or any other person about who should remain at the polls, or about how the election should be conducted that day?—A. I did not, sir.

550. Q. Can you tell the names of the persons constituting your ward committee?—A. No, sir; I could not tell. I think Mr. Morgan was one; I think Mr. Dury was one; but do not know for certain.

551. Q. Do you know where they held their meetings prior to the day of election?—A. I do not know.

552. Q. Can you tell who was the driver of the hack the Republicans had at that ward?—A. No, sir; I did not notice the driver.

553. Q. Do you know how many conveyances the Republican party had there at the polls on that day?—A. No, sir.

#### Cross-examined by contestee:

554. Q. What was your politics the last twenty years?—A. Republican.

555. Q. Have you been accustomed to attend at the polls on different years at the election, and to distribute the tickets?—A. I have.

556. Q. Did the Democrats and Greenbackers have also men distributing tickets at the eighth ward polls?—A. Yes, sir.

557. Q. Who did you see distributing tickets there in behalf of Mr. Duffy?—A. There was Mr. Horan, and Mr. Gorman's boys—sometimes

one, sometime two. Mr. Shafer, up on the hill, Mr. Baker, and Mr. Judson, and Mr. Higgins, but did not see him peddle tickets.

558. Q. Did you see Mr. Wart there, the Democratic candidate for district attorney?—A. I don't know him.

559. Q. The C. M. North of whom you have spoken—have you reference to Hon. Charles North, and is he Republican in politics?—A. I think he is.

560. Q. He represented his district in the State legislature last year?—A. Yes, sir.

561. Q. And has he been accustomed for many years to distribute votes and attend the polls in that ward?—A. Yes, sir.

562. Q. Does he reside in that ward?—A. Yes, sir.

563. Q. What is Mr. Arden's business, of whom you have spoken?—A. City hackman.

564. Q. And it was one of his hacks that you have spoken of as being used to bring in voters?—A. Yes, sir.

565. Q. And has he been accustomed to use his hacks for that purpose for both parties, when spoken to for that purpose, for years?—A. Yes, when hired by them.

566. Q. Was Mr. Mingin, of whom you have spoken, also a Republican and resident of that ward?—A. He is, sir.

567. Q. And has he been accustomed for several years past to distribute votes at the polls?—A. Yes, sir; he is generally there.

568. Q. And was Mr. Dury one of the inspectors of elections?—A. I think he was, but am not sure.

569. Q. And how far did Mr. Lamoree reside from those polls?—A. About two blocks and a half—a quarter of a mile, if not more.

570. Q. Where did you see Mr. Lamoree that day?—A. I saw him nowhere except at the polls.

571. Q. How long was he there?—A. I could not say; half an hour or two hours.

572. Q. Did you see him do anything?—A. I did not.

573. Q. Did you see Mr. John Gardenier?—A. I don't remember that I did.

574. Q. Did you see Mr. John Dowdle there?—A. I did.

575. Q. And was he a Democrat and Greenbacker?—A. I believe that was his politics.

576. Q. Did he live in that ward?—A. Yes, sir.

577. Q. And was he peddling votes?—A. To the best of my knowledge, I think he was peddling votes.

578. Q. Was there many people there?—A. Considerable, between ten to three o'clock.

579. Q. And did you see people there who reside across the river?—A. Yes, sir; comers and goers there all day.

580. Q. And does any portion of the eighth ward lie on the opposite side of the river?—A. Not that I heard of.

581. Q. Did you see anything unusual on the 5th of November last at the election?—A. I did not, sir.

582. Q. Did you see any indication of money having been used in your ward?—A. No, sir; not a cent.

#### Redirect examination :

583. Q. What was the name of Mr. Baker you speak of?—A. I do not know.

584. Q. Was Mr. Dury distributing tickets on that day?—A. He was in the morning.

585. Q. Was he at the polls in the afternoon?—A. He was, sir.

586. Q. Do you know what he was doing?—A. No, sir.

T. WILBUR.

Subscribed and sworn to.

WILLIAM W. GREEN,  
Notary Public.

S. M. COON,  
Notary Public.

By counsel for contestant:

In behalf of the contestant I now waive the examination, under the present notice, of all witnesses whose names are on Exhibit No. 1, who have not been examined under the present notice, viz: Sylvester Fanning, Florence McCarty, Michael Kelly, Thomas Lyons, Anthony Salladen, jr., William Drury. The contestant gives notice to the counsel for the contestee that we shall give a subsequent notice of the examination of the aforesaid witnesses at some future day.

On behalf of the contestee John J. Lawrence desires to protest against the adjournment, and insists upon an examination of each and every of said witnesses. That so long as any of the witnesses above named are present awaiting examination, with declared intent on the part of the contestant that such witnesses shall hereafter be examined in his behalf, the notaries public proceed to take the testimony of such witnesses as are present.

The contestant assigns as a reason for waiving the examination of the witnesses named in the notice that the notice dated February 5, 1879, is waived for the reason that the contestant verily believes, and has reason to believe, that they have been in consultation with Mr. Lawrence, one of the counsel for Mr. Mason, and have been tampered with by said Mr. Lawrence and persons in his employ or under his control.

Adjourned to February 10 at nine a. m.

#### *Deposition of Philo Bundy.*

Witness being duly sworn. Deposition taken in pursuance of notice filed and marked Exhibit.

587. Question. What is your name?—Answer. Philo Bundy.

588. Q. Your age, residence, and occupation?—A. Sixty-three years old; residence, Oswego City; occupation, inspector of grain.

589. Q. What number and street in this city?—A. No. 234 West First street.

590. Q. How long have you resided in the city of Oswego?—A. Forty years.

591. Q. Were you a voter at the last Congressional election held on the 5th day of November, 1878?—A. I was.

592. Q. How long have you been a voter in the city of Oswego?—A. Forty years.

593. Q. Are you acquainted with one Samuel B. Burchard residing in the city of Oswego?—A. I am.

594. Q. And how long have you been so acquainted?—A. I have known him ever since he has lived in town; particularly acquainted four or five or six years.

595. Q. Have you been intimately acquainted with him the past three years?—A. I think I have; that is, I have met him every day and had conversations with him and business relations.

596. Q. Do you know what, if any, government office he holds?—A. Deputy collector of internal revenue.

597. Q. In this revenue district?—A. Twenty-first district, I think it is.

598. Q. Did you hold any political conversation with Mr. Burchard prior to and up to the day of the last Congressional election?—A. I frequently did.

599. Q. Did he in any of those conversations say that he was working in the interest of any one?

(Objected to as immaterial, incompetent, and hearsay.

Evidence is offered for the purpose of showing Mr. Burchard to have been working specially in the interest of Joseph Mason, and acting as his agent.

Notaries ruled against the question.)

600. Q. From your conversation with Mr. Burchard, state whether or not he was working for and in the interest of Judge Mason, the Republican candidate for Congress in the 24th Congressional district of New York.

(Objected to as calling for the opinion of the witness as to the effect of the sayings of Mr. Burchard on witness's mind, and does not call for the sayings themselves. Ruled out.)

601. Q. Give any conversations you had with Mr. Burchard about the election of Judge Mason, if any, prior to the election.

(Objected to; witness should be confined to the allegations in his notice of contest. Contestant's counsel offers to show by the conversations called for from the witness that Mr. Burchard was one of the managers and leading spirits of the Republican party in behalf of Judge Mason at the late Congressional election, and that he, the said Burchard, singled out and made Judge Mason the special object of his services.

Mr. Lamoree objects further that witness should be confined to the statements of facts within his knowledge, bearing upon the issues presented upon the case; that the agency of Burchard has not been proven; that the question does not call for a conversation confined to the issues, but generally to any conversation which may have taken place between Burchard and the witness prior to the election.)

A. I can give nothing but impression; I think I can give the substance, as far as I remember, that Judge Mason would be our next Representative in Congress, a fit and proper man for the place; that was said in reply to my statement that I did not know him personally. Mr. Burchard subsequently introduced me to Judge Mason, I think at the Doolittle House. In a subsequent conversation, he asked me what I thought of him; how I liked him. My reply was that I thought he was a very amiable man apparently. Mr. Burchard asked me if I could vote for him. I said no. Mr. Burchard said that he and Judge Mason were fellow-townsmen formerly; that he was very anxious that he should be elected to Congress, for he was a clever fellow. That is the substance of our conversation then; I can't recall anything more definite than that.

602. Q. Did you see Judge Mason and Mr. Burchard in private conversation prior to the election?—A. I don't know that it would be considered strictly private. I have seen Mr. Burchard, Judge Mason, Mr. John A. Place, perhaps two or three other leading Republicans in town in active conversation on a settee, for instance, in the main hall of the Doolittle House on several occasions previous to the last Congressional election.

603. Q. What do you know—what were the politics of Samuel B. Burchard?—A. Called a Republican; I believe him to be one.

604. Q. What, if anything, do you know of Mr. Burchard soliciting votes in behalf of Mr. Mason?—A. He solicited mine. That is all I know of his personal solicitations.

605. Q. What, if anything, do you know of Mr. Burchard taking an active part in behalf of Mr. Mason in the last election?—A. I know nothing, except perhaps his own declaration as to what he had done.

606. Q. Did Mr. Burchard make any declaration to you about his receiving money from Mr. Mason for corrupt use in the election, and if so, what were they and what use did he say he put the money to?—A. I will detail the conversation I had with him after the election.

(Objected to as being after election; incompetent.)

A. I think it was the day after the election Mr. Burchard stated to me, that a few days before election Judge Mason came to Oswego and told his friends here that he was very apprehensive of being defeated; that his own county would probably give a majority against him. He looked to Oswego County to save him from defeat. That he (Mr. Burchard) and other Republicans here told Judge Mason, Judge Mason's stronghold was in the city of Oswego, and that it was contingent on a liberal use of money on the day of election; that Judge Mason on Saturday previous to the day of election, brought to Oswego \$1,500 in money and placed it in the hands of different agents here, to use where it would do the most good; that he himself put \$50 in the hands of one Moriarty, to be used in the first ward.

607. Q. Did he tell you the name of any other person than Moriarty that he had given money to?—A. No, sir; I do not remember any other.

608. Q. Was there any one present at the time of this interview?—A. I think not.

609. Q. Where did the conversation occur?—A. I believe it was in Mr. Burchard's office.

610. Q. Did you have any further conversation with him on the use of this money?—A. I think I commented upon it.

611. Q. In the conversation just detailed and your subsequent interviews, did Mr. Burchard express himself as satisfied or dissatisfied with the results of his labors, and the other parties into whose hands this money was distributed?

(Objected to.)

A. He expressed himself as very much gratified at the result. He told me that he believed that Judge Mason might give him the credit more than anybody else of his election.

Cross-examination by contestee's counsel:

612. Q. What have your politics been for the past twenty years?—A. Republican, with slight variations.

613. Q. When were the variations?—A. Well, within the last two or three years.

614. Q. Did you Johnsonize in 1866; did you indorse the administration of President Johnson?—A. I say, no.

615. Q. Did you liberalize on Mr. Greeley?

(Objected to.)

A. No, sir.

616. Q. When did you first weaken in your Republicanism?—A. When I became satisfied that the Republican party became the instrument of the bondholders and the creditor class of the country.

617. Q. And when was that?—A. Well, it was within the last three years.

618. Q. Then during the last three years you have been fighting the Republican party or the bondholders, as you call it?—A. I have been acting with the Greenbackers or the National party, as I call it.

619. Q. Which part of the Greenback party was that?—A. The minority; I go as far as Mr. Thurman goes on that.

620. Q. Do you indorse the sentiment of Mr. Butler?

(Objected to; notaries differed.)

A. With some of them I do.

621. Q. Were you a competitor in the Greenback convention last fall for the office of member of assembly?

(Objected to; notaries differed.)

A. My name was used in that connection.

622. Q. Were you or not on the floor of that convention soliciting votes for yourself?

(Objected to.)

A. Was upon the floor of the convention as a delegate.

623. Q. Did you not announce yourself as a candidate, a considerable time before that convention?—A. I did consent that my name should be used in that connection in that convention.

624. Q. Did you not solicit support as a candidate?—A. Well, I might have in some cases; I simply said that I was a candidate.

625. Q. Did you solicit support for that nomination?—A. I think I did.

626. Q. Why did you not answer that question frankly when first propounded?—A. I don't think the question was asked directly.

627. Q. And did you bolt the nomination and refuse to support it when made?—A. I did, sir.

628. Q. Have you ever held official positions; and, if so, what?—A. About thirty-eight years ago I was elected school inspector in this town; re-elected and held it for two years. Don't remember that I was elected to any elective office after that. Yes, I was elected a trustee of the village the last year it was a village.

629. Q. Have you held office by appointment?—A. I was appointed by President Lincoln a paymaster in the Army.

630. Q. How long did you hold that position?—A. Held it one year; appointed in 1864; about 11 months.

631. Q. Any other office by appointment?—A. Deputy collector of customs in 1866; appointed.

631½. Q. Held that position how long?—A. Between four and five years, at the port of Oswego.

632. Q. Any other office by appointment?—A. No, sir.

633. Q. Been an applicant since for appointment to a place in the custom-house?—A. Think I made an application to Mr. Fort for a place in the custom-house.

634. Q. When?—A. Right away after his appointment.

635. Q. Have you renewed this application to him since?—A. No, sir.

636. Q. Did you request different people to intercede for an appointment for you?—A. No, sir; the interceding must have been voluntary, if there was any.

637. Q. Did you obtain an appointment?—A. No, sir.

638. Q. Have you corresponded with Mr. Duffy in reference to this contest?—A. No, sir.

639. Q. Have you had interviews with Mr. Duffy, at different times, relative to this contest?—A. Yes, sir.

Bundy's cross-examination suspended, at his request, until 3 p. m., by consent of counsel.

### *Deposition of Valentine Sayles.*

Witness being duly sworn, deposition taken in pursuance of notice filed:

640. Question. Mr. Sayles, what is your age, place of residence, and occupation?—Answer. My age is 55 in a few days; place of residence, East Tenth street, Oswego; no particular occupation just at this present time.

641. Q. How long have you resided in the city of Oswego?—A. Something over thirty years.

642. Q. What is the number of the ward in which you reside?—A. Sixth.

643. Q. How long have you resided in that ward?—A. Six or seven years; twenty years where I reside now. Used to be the fourth.

644. Q. Have you been identified in politics of late years?—A. I have attended elections and voted.

645. Q. What are your politics?—A. Democrat.

646. Q. Did you attend the election held at the sixth ward poll, held on the 5th of November last?—A. Yes, sir.

647. Q. How long did you remain at the polls that day?—A. I was there all day, with the exception of ten or fifteen minutes.

648. Q. Are you acquainted with one Samuel B. Burchard?—A. I am, sir.

649. Q. Do you know his business or occupation?—A. He is a revenue collector; deputy I mean.

650. Q. Do you know what ward he is a resident of?—A. Sixth.

651. Q. Did you see him on the day of election?—A. I did.

652. Q. Where?—A. At the polls in the sixth ward.

653. Q. How long did he remain at the polls?—A. I think he was there pretty much all day. I saw him at different times during the day. He might have been absent part of the time.

654. Q. Do you know what he was doing?—A. He was doing what men generally do around the polls, trying to get men to vote.

655. Q. Was he distributing tickets?—A. Couldn't say.

656. Q. Do you know what Mr. Burchard's politics were last fall?—A. He was a Republican.

657. Q. Do you know in whose interest he was working then?—A. He was working for whole ticket, I suppose; but he made a particular effort for Mr. Mason. He talked Mason pretty strong.

658. Q. Did you hear him soliciting votes for Mr. Mason?—A. I did, sir.

659. Q. Did he solicit you to vote for Mr. Mason?—A. I believe he did. Yes, he did.

660. Q. Do you remember the name or names of any other person or persons that were in attendance on the sixth ward polls on the 5th of November last, working for and in the interest of Mr. Mason?—A. I do.

661. Q. Please give their names.—A. There was Charles Doolittle, John J. Lawrence a part of the time, Joseph Dempsey, Charles Sawyer, John Comer, Frederick Croft. These men were there pretty much all day.

662. Q. How long did Mr. John J. Lawrence remain peddling tickets at polls?—A. I saw him at different times.

663. Q. Did you see him in consultation with Mr. Burchard or any of the other parties you have mentioned?—A. I did, several times.

664. Q. State whether or not, from what you saw and heard of and from Mr. Lawrence on that day, he was making a particular effort on behalf of Mr. Mason.—A. I think he was.

665. Q. Do you recollect of seeing him in conversation with Joseph Dempsey?—A. I don't remember particularly with Joseph Dempsey.

666. Q. Did you see and was the same true as to Mr. Charles Doolittle in respect to Mr. Mason?—A. It was.

666½. Q. Was the same true as to Mr. Doolittle and the others named above?—A. It was.

667. Q. Can you give the places of residence and occupation of Mr. Lawrence and the other persons above named?—A. They all live in the



sixth ward. Mr. Doolittle is a hardware merchant; Dempsey, gardener or farmer; Charles Sawyer is a machinist; Comer is a millwright; Mr. Croft works in the starch factory; Mr. Lawrence is a lawyer.

668. Q. Do you know whether Mr. Croft was in the employ of the starch factory, near by Mr. Kingsford's, on the day of the election?—A. He has been employed there a number of years, before and since, and I suppose was at that time.

669. Q. Have you been in the habit of attending the sixth ward polls on election days, both State and municipal, for several years past?—A. I have, sir, whenever I have been in town.

670. Q. State whether Mr. Croft has appeared at and taken part on the occasions that you attended.—A. I think he has invariably. Don't remember any particular time of his being absent.

671. Q. How has it been as to each and all the rest?—A. They have generally been there, a part of them, if not all. Sawyer has not been there as regular as all the rest.

Cross-examination:

672. Q. Mr. Sayles, you were there in the interest of the Democratic ticket?—A. Yes, sir.

673. Q. At work for the Democratic ticket, distributing tickets?—A. Yes, sir.

674. Q. You have been accustomed to do that for several years?—A. Yes, sir.

675. Q. Do you know anybody else assisting you; and, if so, who?—A. Mr. N. M. Rowe, Mr. B. D. Houghton. There were others, but can't name them now. Joseph Myers was one.

676. Q. Have those men been accustomed, from year to year, to attend the polls and work for the Democratic ticket?—A. Yes, sir; part of them.

677. Q. And were there others working for the Greenback ticket?—A. Yes; Thomas Pierson, Frank Walker. I don't remember any others.

678. Q. And Mr. Duffy was running on both the Democratic and Greenback tickets?—A. Yes, sir.

679. Q. Are you acquainted with the leading Democrats throughout the city?—A. I am, sir.

680. Q. Do you know how the nomination of Mr. Duffy, the Greenback candidate, was received by the leading Democrats of the city and county?

(Objected to.)

A. I don't know. Some Democrats were in favor of indorsing and some were not before the nomination.

681. Q. Do you know of leading Democrats in the city who refused to support him?—A. I do not.

682. Q. Was the Democratic party divided in sentiment on the question of the resumption of specie payment?—A. That is a question I can't answer. Hard currency is a Democratic doctrine.

683. Q. And did the Democratic party in State convention pledge themselves to specie resumption?

(Objected to.)

A. I don't recollect the resolutions.

684. Q. Did you hear any criticisms on Mr. Duffy, about election time, about the educational interests of the State?—A. I did not.

Redirect examination:

685. Q. Is it not a fact that the Democratic party, east and west, and north and south, were divided, last fall, on the question of hard money?—A. They were.

686. Q. Is it not a fact that a great many people who were called Republicans joined the Greenback party on account of that issue?—A. There were; but I did not give them any credit for honesty in it.

687. Q. Has not Mr. Thurman, of Ohio, been recognized as a leader of the Democratic party for several years past?—A. He has; in Ohio, and in the nation.

688. Q. Has he not been known for some time as a soft-money Democrat?—A. I couldn't say as to that.

689. Q. Do you know which party held their convention first?—A. The Greenback.

690. Q. Are you able to state which held their Congressional district convention first?—A. The Greenback.

691. Q. Do you know how long after Mr. Duffy received the nomination by the Greenbackers he was indorsed by the Democratic convention?—A. I don't know.

692. Q. Was he not endorsed by the Democratic party in convention assembled?—A. I think he was, sir.

693. Q. Are you acquainted with the leading Republicans in the city of Oswego?—A. Yes, sir.

694. Q. Please give the names of the leading Republicans you know.—A. Thomas Nott, John C. Churchill, George B. Sloan, Joseph Dempsey, Charles Doolittle, Charles North, T. B. Burchard, Joseph Tremaine, Mr. John A. Place.

#### VALENTINE SAYLES.

Cross-examination of PHILO BUNDY resumed.

695. Question. When did you first meet Duffy after the election?—Answer. I think it was two or three weeks after.

696. Q. At what place?—A. My impression is, it was on the street two or three weeks after.

697. Q. And did you talk with him?—A. Yes, sir.

698. Q. And did you go anywhere with him?—A. No, sir.

699. Q. When did you next meet him—same day?—A. No, sir; I think it was several weeks after.

700. Q. At the time of first conversation, did you talk relative to this contest?—A. No, sir; nothing said about it by either party.

701. Q. Was there at your second interview?—A. Quite a talk. He called at my house.

702. Q. What was the date of that?—A. Can't give the date nearer than I have in my first answer.

703. Q. Was it after winter set in; was there snow on the ground?—A. I think it was in December, near the middle of December.

704. Q. Any one come with him?—A. No, sir.

705. Q. Were you expecting him?—A. No, sir.

706. Q. How long did he remain at your house?—A. Half an hour, perhaps.

707. Q. Did that interview take place in the presence of some member of your family?—A. I don't remember; my daughter may have been in.

708. Q. Was it in the evening?—A. I think it was.

709. Q. And did you leave the house with him?—A. No, sir.

710. Q. When did you next meet him?—A. Probably ten days after that.

711. Q. Where?—A. At my house.

712. Q. By appointment?—A. No, sir.

713. Q. Any one come with him?—A. No, sir.

714. Q. At what time in the evening?—A. Two o'clock, I think it was; it was after dinner.

715. Q. Did you have a conversation with him at that time?—A. I did.

716. Q. Was there any allusion made to your conversation with Burchard?—A. Yes, sir.

717. Q. Where did you first relate that conversation to Duffy?—A. I think at the first interview at my house.

718. Q. You had then learned that the election was to be contested?—

A. The first time he called he told me that the election was to be contested.

719. Q. And was that before or subsequent to his telling you he was going to contest?—A. It was after, I think.

720. Q. And how long after he told you he was going to contest that you told him about this interview with Burchard?—A. It might have been ten minutes or three.

721. Q. Why didn't you tell him about the \$1,500 when you met him in the street?—A. I didn't think it would do any good to tell him.

722. Q. Then you imparted to him facts at the second interview with a view to help him in the contest?—A. I did.

723. Q. Anything said with reference to the part you should take in the contest?—A. No, sir.

724. Q. What business have you been in at that time and the past year?—A. Inspection of grain.

725. Q. Who have you inspected grain for?—A. All grain for the Lake Shore Railroad.

726. Q. How much have you inspected during the past year: 10,000 bushels?—A. Yes.

727. Q. Approximate as near as you can.—A. Between 10,000 to 100,000 bushels.

728. Q. What do you get for inspecting it?

(Objected to. Notaries differed as to materiality.)

Declines to answer because it is impertinent.

729. Q. Have you received any compensation from Duffy?—A. No, sir; not a cent; nor do I expect any.

730. Q. Have you had any conversation with Mr. Duffy in reference to compensation?—A. No, sir.

731. Q. Have you had any conversation with him in reference to your obtaining a situation in case he succeeds in this contest?—A. No; nor any expectation of it.

732. Q. How many interviews did you have with Mr. Burchard on the day after the election?—A. None, except the one I have related here.

733. Q. What time in the day did that take place?—A. I cannot tell; I do not remember.

734. Q. What time in the day was it—the early or latter part of the day?—A. I can't tell.

735. Q. Can you tell whether it was in the daytime or in the evening?—A. No, sir; I cannot.

736. Q. Can you tell whether any person was present besides you and Burchard?—A. I cannot.

737. Q. Any one else occupy the office, except you and Burchard?—A. It is telegraph office on one side and Burchard's on the other.

738. Q. How many persons were in the habit of occupying that room at that time?—A. I think two telegraph operators and two messenger boys.

739. Q. What were their names?—A. Mr. Petty, superintendent of the office; don't know the names of others.

740. Q. Did any one else occupy it?—A. Silas M. Allen occupied it, and was Mr. Burchard's assistant.

741. Q. Can you now swear whether one or all was present in the room at that time?—A. Can't swear whether one or all.

742. Q. In what part of the room did that conversation take place?—A. In the rear part.

743. Q. Who was the first person you related the conversation to after you and Burchard talked; did you relate it to any one?—A. Don't remember that I did.

744. Q. Did you believe that Mr. Burchard had received \$1,500 from Mr. Mason?—A. I did not believe it; I had no reason to. He did not say he had received it himself.

745. Q. Did you see any indications of money on election day?—A. None at all.

746. Q. Where did you spend the day on election day?—A. At my house; part of the time at Burchard's office, and fifteen minutes in voting and at the polls.

748. Q. At what polls?—A. The third ward.

749. Q. Did Mr. Burchard tell you when it was that Judge Mason came to Oswego and said the contest was going to be close?—A. I think it was a few days before the election.

750. Q. Did he say where it was that Judge Mason said that?—A. No, sir; he did not indicate the particular place in the city.

751. Q. Did you ask Burchard at the time of that interview, November 6, who the persons were that received the \$1,500?—A. No, sir; I did not.

752. Q. Or where or how it was used?—A. No, sir; I asked no questions about it; I didn't want to know.

753. Q. Did you take any interest in the campaign last fall?—A. Yes, sir; a decided interest, but not that kind.

754. Q. And did you take a decided interest in the success of Mr. Duffy for member of Congress?—A. Yes, sir.

755. Q. And was not your interest more decidedly centered upon his election than that of any other in your district?—A. No, sir; some others, I say.

756. Q. Did you take a part in the campaign—an active part?—A. Yes, sir.

757. Q. Did you assist in canvassing the city?—A. Not particularly.

758. Q. What part did you take in the campaign?—A. I voted for him; that is all.

759. Q. Did you advocate throughout the campaign the Greenback principles?—A. I did.

760. Q. And did you distribute papers, pamphlets?—A. I did not.

761. Q. Did you contribute or receive anything to aid the campaign in any way?—A. I think I gave one dollar.

762. Q. To whom?—A. I think I gave it to Mr. Pentalow to pay for Mansard Hall for Mr. Loomis to speak in.

763. Q. Was that all you gave?—A. I don't recollect anything else.

764. Q. Who did you next tell the Burchard interview to after your conference with Duffy?—A. I am unable to tell you.

765. Q. Have you ever related it to any one else?—A. My impression is I have, to one, two, or three, but whom I can't remember. I think I related it to Mr. Baker this morning.

766. Q. Have you ever related it in W. A. Poucher's office?—A. No, sir.

767. Q. Did Burchard say what Moriarty's first name was?—A. I can't say; don't know whether it was the man in the clerk's office or not.

768. Q. Did he leave any impression on your mind whether it was or was not the Moriarty that works in the clerk's office?—A. He did not.

769. Q. As I understood you, this interview took place south of the railing in Burchard's office, in the small inclosure at the rear end?—A. It was.

770. Q. Are you positive that the interview took place there?—A. I am positive. That is my recollection.

771. Q. Is not Mr. Burchard noted for telling foolish and imprudent stories in his conversation?—A. I would not like to answer the question; he is a personal friend of mine.

772. Q. Are you in the habit of crediting all he says?—A. I must make the same answer as to the last question.

773. Q. Do you not regard him as an inflationist in conversation—not a currency inflationist?—A. I don't set myself up as an expert. I never criticise a friend very particularly.

Redirect examination:

774. Q. From your knowledge of Mr. Burchard's relation to the Republican party, his interest in Mason's election, and from his manner and appearance when he made this statement about money to you, did you not believe him?

(Objected to and withdrawn for the present.)

775. Q. Since giving in detail the declarations of Mr. Burchard in reference to bringing and leaving of money here to be used in the election by Mr. Mason, have you thought of any further conversation you have had with him?—A. Nothing special, as it now occurs to me. I think I congratulated him on the success of his candidate, and that he would be entitled to Congressional favor, and that he had been very active in the canvass, and in consideration of his services, whereupon he said to me what I have stated.

776. Q. Did you observe any acts on the part of Mr. Burchard to indicate his interest in Mr. Mason's election; and what was it?—A. Don't recollect any specific act, but his general conduct advocating his election.

777. Q. What nomination, made in your party, did you bolt?—A. Member of assembly in this district.

778. Q. State what your conversation was with Mr. Duffy when he told you he was going to contest the election of Mr. Mason.

(Objected to; waived question.)

779. Q. State what you told Mr. Duffy about this \$1,500 at the time of this second conversation.

(Objected to.)

A. I have told it very particularly already. I have no addition to make.

780. Q. Where did you make your headquarters last fall prior to election?—A. At Burchard's; and subsequently.

781. Q. Did this interview take place in Mr. Burchard's office, in the rear of the building?—A. Yes, sir.

782. Q. Was there any person present in that private office?—A. No, sir; I think not.

783. Q. And that office is disconnected from the telegraph office?—A. It is the back end of an alley-way running between the desk occupied by Silas Allen and the telegraph office—no partitions, simply a railing about two feet and a half high.

784. Q. Were you in the confidence of the leaders of the Republican party and of the Republican county committee?—A. I don't think I was.

785. Q. At the time Mr. Burchard told you of this matter, did you make any special inquiry as to who received the money?—A. No; I made no inquiry.

## Recross-examination :

786. Q. Isn't it true that you and Burchard were alike trying to out-rival each other in political roorbacks ?—A. It is not true, sir, as far as I was concerned. I don't believe it is true as to Mr. Burchard. Would not charge it.

787. Q. Did not Mr. Burchard try to annoy you during the campaign by political roorbacks ?—A. He may have tried. I do not know that he tried particularly. We had our jokes together.

788. Q. Didn't he often during the campaign carry on those jokes by inflated declarations during the campaign ?—A. I rather think he did, as most of politicians do.

789. Q. And didn't you often find that there was nothing in his stories ?—A. I never followed them up.

790. Q. Why didn't you follow them up ?

(Objected to.)

A. Mr. Burchard has told me a good many things which he did not intend I should believe—those I did not follow up; when he told me a thing as a fact, and his manner and circumstances attending it indicated he intended it to be a fact, I assumed it to be such.

791. Q. Do you know that you always decided correctly ?—A. No, sir. I don't assume that I did.

792. Q. Do you profess to know at this time whether Mr. Burchard's statement to you November 6 was designed by him to be taken as a fact ?—A. Couldn't say as I do positively.

793. Q. Do you believe that Burchard bought a vote himself on the day of election ?—A. I don't believe he did. I don't believe he would.

794. Q. Do you believe he induced others to buy votes ?—A. I haven't any belief about it.

795. Q. Mr. Bundy, to be serious, did he have a dollar of Mr. Mason's money, as you believe, to be used for improper purposes ?

(Objected to; excluded; objection sustained.)

P. BUNDY.

Sworn to and subscribed February 11, 1870.

WILLIAM N. GREEN,  
Notary Public.  
S. M. COON, Notary Public.

The contestant's counsel withdraws the notice as to Angus Kerr and Edward Matthews, and waives their examination under the present notice.

Contestee objects, and insists on going on with the evidence.

*Deposition of Edward Hennesey.*

EDWARD HENNESEY, being duly sworn, deposes and says:

796. Question. What is your age, residence, and occupation ?—Answer. I am a sailor and canaller; my age, I am forty-seven years old; I live in the fifth ward now.

797. Q. How long have you resided in the city of Oswego ?—A. I have resided in the city of Oswego forty years.

798. Q. How long have you resided in the fifth ward ?—A. About that time except when away on occasions; and, after the wards were divided, a while in the seventh.

799. Q. Were you about the fifth ward polls on the day of election ?—A. I was.

800. Q. Did you observe any one at the polls, the fifth ward polls, on

that day working in the interest of Mr. Mason for member of Congress ?  
—A. I did.

801. Q. Can you give their names ?—A. I could.

802. Q. Who ? Please give them.—A. James Sharpe, Hibbard or Daniel G. Donahue, all that I noticed.

803. Q. Did you see a man of the name of William Young there that day ?—A. I did not notice him.

804. Q. How long have you known Daniel G. Donahue ?  
(Objected to as immaterial.)

A. Known him about ten years.

805. Q. Did you have any conversation with Mr. Donahue the day before the election in reference to the election of Judge Mason ?—A. I did.

806. Q. State where.—A. On the corner of Genesee street and First street, west side of the river.

807. Q. Did you go to any place with him ?—A. Yes, sir.

808. Q. Where ?—A. I went into Failing's drug store; I went into a saloon and had a drink.

809. Q. Did you have any conversation with him ?—A. I did.

810. Q. Did you see him have any money ?—A. I did.

811. Q. Did you see him spend any money ?—A. I did.

812. Q. Please state the conversation you had with him in reference to and of the election of Judge Mason ?

(Objected to; ground that Donahue is contestant's own witness, is shown to have been the agent of Duffy, the contestant, at that time. No agency has been shown as between Donahue and Mason; that contestant cannot discredit his own witness.)

Contestant proposes to connect Mr. Donahue, as a person claiming to be a politician working directly in and for the interest of Judge Mason. Notaries disagree.)

A. I met him. He wanted to know what I was doing. I told him I was working for Mr. Kingsford. He wanted to know where I was going; I told him I had hurt my hand and was going to Failing's drug store. He wanted to know how I was on politics this fall. I told him I had paid no attention to it, but I was always a Republican, but generally selected out of both parties good men. He told me that he had a point he wanted to carry out. I asked him what that was; and he told me he wanted to elect Mason for member of Congress. I told him I had no fault with Mr. Mason. He said he had been working for Mr. Duffy, but he didn't come to time, and Mr. Mason had come to time. He pulled out a roll of bills; he said that was Mr. Mason's money, that he had got from Mr. Burchard to use on election day; and that he was willing that I should go along with him and join in spending some of it, or something to that effect. I told him I had no time then; I was going to have my hand fixed. He walked to Failing's store, and then stopped in and took a drink.

813. Q. How many were with you when you drank ?—A. There was three of us.

814. Q. Who paid for the drinks ?—A. He did.

815. Q. What was said by Donahue in the saloon and done by him in the saloon ?—A. He said he was working for this man Mason; he was going to have him elected by all hazards, and, if I had any friends, to work for Mr. Mason. I told him I had not any particular friends in that kind of business and was out of it. I done my voting and went about my business. He also said that he understood I was a good, active fellow at the polls. I told him that was in years gone by.

816. Q. How many drinks did you take in the saloon at that time?—A. I took two.

817. Q. At what time of the day?—A. About half-past three in the afternoon.

818. Q. Under what circumstances did you take the second drink? (Objected to as immaterial.)

A. I told him I was in a kind of hurry to get back to work. He shoved a quarter to me to call up the boys, and said it was Mason's money, and we might as well spend it there and call up the drinks. I called up the drinks and went off; that's all the conversation I had with the man until the day of election.

818. Q. Did you have any conversation with him on the day of election?

(Waived.)

819. Q. State whether or not you had a conversation with him on the day of election; and, if so, where.—A. At eleven o'clock we were told to go to the polls of election and vote, by the boss, and return at one. On the corner of Utica street and Fifth street, on the way up, I met Mr. Donahue.

820. Q. State the conversation.

(Objected to same as before.)

A. He bid me the time of day. I bid him the time of day. I asked him how he was on sheriff this morning. He said he was not a Gardinier man this morning, or a Duffy man. He conceded all his time to Mr. Mason, and he wanted to know if I wouldn't go up and get a wet. I told him I had, and would vote an entire Republican ticket, except sheriff and recorder. I was for Gardinier and Higgins. I told him I would vote the entire Republican ticket, except them.

821. Q. Did you see him have any money that day?—A. Yes; and he paid for the drinks.

822. Q. Did you drink with him there on election day?—A. Yes, sir; I did.

823. Q. Did you see him in conversation with another person that day?—A. I did, at the place where we drank; and I left him and went on and voted.

824. Q. Have you had any conversation with him since the day of election, about his using money and receiving money for Mason?—A. I have not.

Cross-examined by contestee's counsel:

825. Q. How many years have you sailed?—A. I sailed seven years.

826. Q. Is that all?—A. Seven seasons on salt water; and a part of two seasons on the lake.

827. Q. How many years have you been upon the canal?—A. I might have been nine or ten.

828. Q. Are you a man of family?—A. Yes, sir.

829. Q. How much of a family?—A. I have got six children.

830. Q. How old is the youngest?—A. My youngest is going on seven years.

831. Q. Does it live with you?—A. It must when I take care of it.

832. Q. Does it live in the same house?—A. It does.

833. Q. How many of your children live in the house with you?—A. Sometimes five, four, three, and sometimes reduced to two.

834. Q. And where do you live?—A. On the corner of West Fourth and Albany, in the fifth ward, at present.

835. Q. Have you contributed one dollar to the support of your family for the past six months?



(Objected to on the ground that it is not material to the issue, and does not affect the credibility of the witness as to truth and veracity.)

A. None of your business. Yes, sir; I have.

836. Q. What business have you been following for the past six months?—A. Working on the railroad, and anything I could get to do for the past six months, without stealing.

837. Q. What work did you do on the railroad?—A. Shoveling snow and clearing railroad.

838. Q. Do you swear you have never been arrested for stealing?—A. No, sir; I have not.

839. Q. Have you ever been arrested?—A. Yes, sir.

840. Q. How many times?—A. I was arrested one time for knocking down a blackguard on election day; another time, some years gone by, for being a little drunk.

841. Q. Never been arrested but twice?—A. Not that I remember of.

842. Q. Have you ever been in the Oswego County jail?—A. Yes, sir; I was in there for hitting this fellow, from Saturday night to Monday morning or afternoon.

843. Q. Were you found guilty?—A. No, sir.

844. Q. What became of it?—A. I beat the fellow.

845. Q. You have been something of a striker from the shoulder?—A. Well, I was always man enough to take my own part when put upon.

846. Q. How many fights have you ever had a hand in?—A. I never kept any track of them. I never murdered anybody, and never kept any log-book.

847. Q. Never arrested in Buffalo?—A. Never in my life.

848. Q. Has your family at any time during the past year been assisted by the city?—A. Not that I know of.

849. Q. Are you a brother to Alderman Hennesey?—A. My father and mother said we were. We lived in the same house together.

850. Q. Has your brother spoken to you in the past year?—A. Don't know as that is any of your business. I answer, yes.

851. Q. Isn't it true, Hennesey, that by reason of your profligacy and long-continued drunkenness that your immediate relatives refuse to recognize you?

(Objected to as immaterial to the issue, and does not tend to reflect upon the character of the witness for truth and veracity; court divided; question not pressed.)

852. Q. You say, sir, that you reside now in the fifth ward?—A. I do.

853. Q. That on November 5 you were in the employ of the starch factory?—A. Yes, sir.

854. Q. What were you doing there?—A. Anything that the boss asked me to do. I lifted stone, carried brick, wheeled brick, shoveled dirt.

855. Q. Who worked with you on election-day?—A. There was so many men, I couldn't tell you. Who they were I don't know.

856. Q. Can you name one that you worked with on election-day?—A. I can. I worked on election-day with the boss, who was Michael Kinyon. Jim Quigg was a boss. Mr. Sharpe was a boss. Jim Quigg told me what to do, and Jim Sharpe told me what to do.

857. Q. Where were you working on election-day?—A. I worked on First street, in front of Mr. Kingsford's new planing-mill.

858. Q. Who told you to go and vote?—A. Mr. Quigg.

859. Q. Quigg was a Democrat?—A. I don't know what Mr. Quigg was.

860. Q. Who started to go to the polls with you?—A. Nobody, only myself, that I remember.

861. Q. No one went to the polls with you?—A. No, sir.

862. Q. Are you positive?—A. I don't remember.

863. Q. Were there other workmen with you who voted in the fifth ward?—A. I suppose there was.

864. Q. Why didn't you go with them?—A. I went when I was told. I didn't want to choose a guardian; so I went alone.

865. Q. Were not all the men on the job relieved at the same time for the purpose of voting?—A. I couldn't say as to that.

866. Q. Was not the hour from eleven until one given up for the purposes of voting and getting dinner?—A. I was told to go at that time and return at one; I suppose it was. I was on hand at one o'clock.

867. Q. Was the order given in person?—A. It was. I was told by Mr. Quigg.

868. Q. Did you know of other workmen leaving their work at the same time?—A. I heard them tell that they did.

869. Q. Did you see any of Kingsford's workmen when you reached the polls?—A. I did.

870. Q. After leaving work at eleven, did you go directly to the polls?—A. Yes, sir. I headed right for the polls on Fifth street till I met Donahue on the corner of Fifth and Utica and drank with him a glass of ginger-ale, and then went direct to the polls.

871. Q. Where did you get the gingerale?—A. I don't remember what particular saloon on Utica street.

872. Q. State, as near as you can, the saloon in which you got the beer.—A. I can't.

873. Q. Have you no impression as to what saloon it was?—A. I can't tell; I have no impression.

874. Q. Do you know of any person that you met or saw while with Donahue?—A. I don't remember anybody.

874½. Q. Do you remember who spoke first when you met Mr. Donahue?—A. Yes, sir.

875. Q. Who spoke first?—A. Mr. Donahue, and I retaliated.

876. Q. You say there was another person with Donahue, and you don't know who it was?—A. There was; but I don't know who.

877. Q. You are talking about election-day?—A. No. There was no one on that day.

878. Q. Now what was the first they said on election day?—A. I asked him how he was on sheriff to-day. He answered he had conceded his whole attention to the Republican party, and he went on with a mixed up mess until he finally went to get a drink.

879. Q. Is that all you can state about this conversation?—A. It is.

880. Q. Then you can't give a word that was said then, except you asked him how he stood on sheriff, and he said he conceded his whole time to the Republican party?—A. I told him that I think we don't disagree as to that, but I should like him to vote for John Gardinier for sheriff and John B. Higgins for recorder. He said he couldn't see me on that. That was all I remember that was said.

881. Q. What next took place?—A. I went home and eat my dinner, and then went back and worked till six.

882. Q. There was nothing said there except that he was conceding generally to the Republican party and refused to vote for Higgins or Gardinier?—A. That was all.

883. Q. Did you go into the basement of a building to get your beer?—A. No, sir, that I remember of.

884. Q. Did you know it was a man or woman that waited upon you?—A. It was a man.

885. Q. How far did you travel after meeting Donahue before you got

your beer?—A I should judge it was about a block, or a block or two; not two blocks.

886. Q. Was it on your direct road to the polls?—A. No, sir; it was out of the way; we went east.

887. Q. You went up what street?—A. We went east on Utica street.

888. Q. On which side of the street did you get your beer?—A. On the north side, it must be.

889. Q. Who attended saloon there?—A. I don't know.

890. Q. How many times did you drink on that occasion?—A. I drank once.

891. Q. Did you see any one in the saloon?—A. Yes, there was a few whom I knew.

892. Q. Did you know any of them?—A. One of them was Jim Haley.

893. Q. Who else?—A. That was all I remember of.

894. Q. Did you have any conversation in the saloon about politics?—A. No, sir.

895. Q. Did you see Donahue again that day?—A. I did not.

896. Q. Then you had no conversation with him that day about Congressman?—A. I did; he said he hadn't seen Duffy, and didn't know him.

897. Q. Did he say he had never seen him?—A. That was what I recollect; he said he didn't know him from a crow.

898. Q. Did he use that language?—A. Yes.

899. Q. Did he say anything else about Congressman?—A. That was all, as I recollect.

900. Q. Did he say anything about Mason?—A. No, sir.

901. Q. Nothing said about Mason on election day?—A. Not as I remember of.

902. Q. And nothing said except that he was conceding his whole time to the Republican ticket?—A. Yes, that was it; nothing except that.

903. Q. You voted a part of the Democratic ticket?—A. I did, for sheriff and recorder; the rest of the ticket was Republican I voted for.

904. Q. How came you to vote for Higgins and Gardinier if you was a Republican?

(Objected to as not being material to the issue in this contest and incompetent.)

A. Mr. Gardinier has been a great long friend of mine for a number of years when I was a boy; and Mr. Higgins has also been a long-life friend of mine, and I wasn't going out of town to get any timber that was any better.

905. Q. Did you see Gardinier and converse with him before election day?—A. No, sir.

906. Q. Did you see Higgins and converse with him about the election before the election day?—A. No, sir; I did not.

907. Q. Did you promise either Higgins or Gardinier that you would support them?—A. I did not.

908. Q. Did you receive a compensation from either as an inducement for voting for either?—A. I did not.

909. Q. Have you not repeatedly since election said that you received money from Gardinier to influence your vote, or words to that effect?—A. I have not.

910. Q. Have you ever taken a consideration for your vote?—A. Never.

911. Q. Haven't you done so for each and every year for the last ten years?—A. No, sir.

Adjourned to 2 o'clock p. m.

H. Mis. 23—4

Cross-examination resumed :

911. Q. Got any money ?—A. Yes, sir.

Q. How much ?—A. I might have a dollar, I might have two hundred. That is none of your business.

912. Q. Have you had any money paid to you in this court-house to-day ?—A. I have not.

913. Q. Have you got some paper money in your vest pocket ?—A. I have not.

914. Q. Have you had any paper money in your vest pocket to-day ?—A. I have not.

915. Q. Were you called into the hall in the court-house by Mr. Duffy's counsel a few minutes before you took the stand ?—A. I was not.

916. Q. Did you have a conversation with Mr. Baker, the counsel for Mr. Duffy, in the hall this morning ?—A. I did not.

917. Q. After first entering this room this morning, did you leave it again before you were sworn ?—A. I did not.

918. Q. Did you not return a second time into this room ?—A. I did not this forenoon.

919. Q. And did you not have in your hand at least one bank-bill or greenback ?—A. I did not a green-back.

920. Q. Did you not put some bank-bills or at least one bank-bill into your left vest pocket with your left hand ?—A. I did not with my left or right.

921. Q. Where have you been since the court adjourned ?—A. I went to get some refreshment the same as the rest of them.

922. Q. Where did you go ?—A. I met an old friend of mine and had my dinner at this old friend's down here at Amasa Brown's.

923. Q. Did you have any talk about this case ?—A. I did not.

924. Q. Did you take out any money from your pocket there ?—A. I did.

925. Q. How much money ?—A. Two nickles, five-cent nickles, and nothing else that I know of.

926. Q. You didn't pay for your dinner ?—A. When I get through. I will when the storm stops and I get across the river.

927. Q. What has that to do with your paying for your dinner ?—A. I didn't happen to have an equivalent with me.

928. Q. How many times have you drank spirituous liquors to-day ?—A. None.

929. Q. How many times have you drank ale ?—A. Once or twice ; I generally take two glasses a day.

930. Q. Who drank with you the first time ?—A. Myself the first time.

931. Q. Where ?—A. On First street ; I think the name is Charley Divine that keeps the place.

932. Q. Have you drank with Mr. Baker during the past four days ?—A. I have not.

933. Q. Who of the men that worked for Mr. Kingsford did you notice at the polls on election day ?—A. All the men in that vicinity as a general thing work for Mr. Kingsford. Didn't make any special note of them.

934. Q. And were many of them working on the same job with you ?—A. Yes, sir ; many of them.

935. Q. How long were you at the polls ?—A. From half past eleven till half past twelve, one hour.

936. Q. Did you see Donahue at the polls ?—A. I did.

937. Q. Was he there when you got there ?—A. He was there when I got there ; yes, sir.

938. Q. What was he doing when you got there?—A. He was handing tickets.

939. Q. Was he in the building or out of doors when you got there?—A. I saw him out of doors.

940. Q. Did you speak with him?—A. I did.

941. Q. How soon after you got there?—A. After I voted.

942. Q. How soon after you voted?—A. Probably half a minute; I saw him before and after.

943. Q. Did you speak to anybody before you voted?—A. Yes, sir.

944. Q. Who?—A. My little girl.

945. Q. How long after you got to the polls before you voted?—A. I should judge about three minutes.

946. Q. And how long before you voted did you see Donahue at the polls?—A. When I voted.

947. Q. And how long before you voted did you see him?—A. About four or five minutes.

947½. Q. Then he must have been one of the first men you saw at the polls?—A. No.

948. Q. Then who did you first see when you got to the polls?—A. One Sharpe—James Sharpe.

949. Q. Who was the next?—A. That is all I remember of particularly.

950. Q. Then Donahue was the second man you saw?—A. I think so.

951. Q. How long after you saw Sharpe?—A. About the same time.

952. Q. They were out of doors?—A. Yes.

953. Q. Then you must have seen them before you fully reached there?—A. Yes.

954. Q. At what distance from them when you first saw them, before you could distinguish them?—A. About 25 or 40 feet.

955. Q. And what were they doing when you first came in sight?—A. They were pasting and fixing tickets, and doing all those things they generally do on election day.

956. Q. You don't pretend to know that it was just half past eleven when you reached the polls?—A. I do, well.

957. Q. Did you look at the time to see?—A. I did, at the city clock.

958. Q. And when you looked at the city clock, what was its time?—A. Eleven o'clock and four minutes after when I left the job.

959. Q. And did you see the city clock again that forenoon?—A. I did.

960. Q. When did you next see the city clock?—A. I saw it as I was going up south.

961. Q. What time was it then?—A. It was ten minutes after eleven.

961½. Q. How long after that did you meet Donahue?—A. It was about—might have been 10 or 15 minutes after I left work.

962. Q. How long was it after you looked at the clock the second time before you saw Donahue?—A. I couldn't tell.

963. Q. According to the best of your judgment.—A. I can't tell.

964. Q. Can you form no opinion?—A. I can't.

965. Q. What was the distance from Kingsford's job up to the polling place in the fifth ward?—A. You must ask John McNair or his ghost, because I never surveyed it.

966. Q. How far is it in your judgment?—A. I can't say, I never measured it.

967. Q. State how far according to the best of your judgment.—A. I don't know, sir.

967½. Q. It isn't forty miles, is it?—A. No.

968. Q. Nor one?—A. No.

969. Q. How much less than a mile is it?—A. Less than a quarter of a mile, I think, from the polling-place to where I was working.

970. Q. Have you often traveled on those roads and are familiar with them?—A. Yes, sir.

971. Q. And how many rods in your judgment from the city hall to your work?—A. I can't answer.

972. Q. When you left the saloon where did you go to?—A. Direct to the voting place.

973. Q. Did you stop anywhere?—A. No, sir; I did not.

974. Q. Did you go the nearest way?—A. Yes, sir; the nearest way to get to my destination, the polling-place.

975. Q. Did any one go with you?—A. Not that I know of.

976. Q. Didn't you walk very slow?—A. My natural gait. I have got a pretty good travel.

977. Q. Did you speak with any one after you left the saloon and reached the polls, and who?—A. I did; my girl.

978. Q. You accidentally met your girl there?—A. No, not accidentally that I know of.

979. Q. Did you stop, when you talked with the girl, or did you go on?—A. I stopped a few minutes.

980. Q. Any longer than to tell her about the dinner?—A. No longer, sir.

981. Q. And how long did that take?—A. Not over four or five minutes.

982. Q. Was it more than one minute?—A. It might be four or five.

983. Q. Will you swear that it was over one minute?—A. I will not. It was over one minute, on to three or four.

984. Q. What were you doing this three or four or five minutes?

(Objected to that it is immaterial, and is nothing more than a repetition of the previous cross-examination; and that it is apparent that it is for nothing more than to consume time, the witness's recollection on the question of time having been fully tested.)

A. I was on my way and was smoking a pipe, and was walking along while I was talking with the girl. I was walking toward the poll.

985. Q. Then what you say about the three or four minutes has reference to the time you was talking with the girl and not to the stop?—A. We were walking along but stopped about a couple of minutes.

986. Q. How long were you in the saloon?—A. I should judge from five to ten or fifteen minutes at the outside.

987. Q. I want to know if anybody passed you on the way to the polls.—A. I can't tell.

988. Q. Didn't Donahue pass you in company with another man?—A. He did not.

989. Q. Didn't Donahue pass you alone?—A. Not to my knowledge.

990. Q. When you left Donahue in the saloon, where was he standing?—A. He was standing up in conversation with another gentleman, in the corner or the middle of the room, next to the door any way.

991. Q. Why didn't Donahue go with you to the polls?—A. That is best known to himself.

992. Q. You say, sir, that the day before election you hurt your hand?—A. I did.

993. Q. And was that while you were at work upon Kingsford's job?—A. Yes, sir.

994. Q. Who was working with you at the time you hurt your hand?—

A. I can't tell; only the boss, Michael Kinyon was there, and he helped me out of the trap.

995. Q. Did you injure your hand more than once while you was at work there?—A. No, sir.

996. Q. Did anyone go with you to get the wound dressed?—A. No, sir; only Mr. Donahue. I met him as I went.

Cross-examination of Edward Hennessy suspended, and recommenced at question No. 997.

*Deposition of John Tiflin.*

JOHN TIPLIN called as a witness.

(Objected to on the ground that there is no notice served as to this witness.

Counsel for contestant asks to question.)

Question. How do you spell your name?—Answer. I am no scholar and can't spell it.

Q. Are commonly known by the name of John Tiflin?—A. I am. Yes, sir. There is nothing to be said that I am in dread of.

Question by Mr. LAMOREE:

Q. Are you known by the name of John Tiffany?—A. But the most call me John Tiffany.

I offer the witness for examination, and claim that the contestee has received sufficient notice; that the witness shows by his answer that he is known by the name given in the notice; 2d, the contestant claims that the contestee did not object to the witness in due time; the objection should have been made before he is sworn.

Decided that under proof already given, notice sufficient noted.

Counsel for contestant offers to prove that the witness is known by the name of John Tiflin commonly.

Counsel for contestee objects to any such evidence.

Excluded by ruling of notaries.

Counsel for contestee refused to waive the objection.

Cross-examination of Mr. Hennessy resumed:

997. Q. Into what saloon on the day before election did you go to—drink? A. I do not know the man's name that keeps it; it was on First street.

998. Q. Whereabouts on First street?—A. It was on the west side.

999. Q. In what building?—A. I can't say in what building.

1000. Q. Was there any other business carried on there?—A. I can't say as there was any other business.

1001. Q. Did you ever drink there on any other occasion?—A. Not that I ever remember of.

1002. Q. Were you ever in the same saloon, except the day before the election or since?—A. I never was, that I remember of.

1003. Q. Is the saloon in a block or in a single building?—A. It was in a block.

1004. Q. In what block?—A. I can't name the name of it.

1005. Q. Between what streets?—A. Somewhere between Seneca or Bridge or Cayuga; I can't say where.

1006. Q. Was it a hotel?—A. That I couldn't say; there was a neatly finished bar.

1007. Q. You say it was on the east side of the river?—A. It was on the west side, on the west side of First street.

1008. Q. Was it the street which your work was on?—A. It was the same street and on the opposite side.

1009. Q. And what was the next street south of your work?—A. Cayuga street, I guess.

1010. Q. Did you cross Cayuga?—A. I think I did.

1011. Q. And then you passed south upon the west side of the street?—A. I did.

1012. Q. Did you see Donahue before crossing Cayuga?—A. I saw him just as I crossed Cayuga and First.

1013. Q. You say you crossed Seneca before going into the saloon?—A. Yes, sir.

1014. Q. Did you cross any other street before going into the saloon?—A. No, sir.

1015. Q. What was the next street?—A. It was Bridge street, I think.

1016. Q. Whereabouts between Seneca and Bridge streets did you enter this saloon?—A. Off the sidewalk on the west side of the street.

1017. Q. In entering the building, did you go up or descend down a pair of stairs?—A. It was on a level.

1018. Q. Now, did you drink before or after you had your hand fixed?—A. After.

1019. Q. Did you cross First street before you had your hand fixed?—A. I did not; I came up on the same side.

1020. Q. Did you see Donahue before you had your hand dressed?—A. I did.

1021. Q. Did you speak with him?

Contestant's counsel: I object to this further cross-examination, because it has been answered once.

A. I did.

1022. Q. Did the conversation you gave this morning take place before you had your hand dressed?—A. It did.

1023. Q. Did you have any conversation upon political subjects after your hand was dressed?—A. I did.

1024. Q. Did you give all of your conversation with Donahue in your direct examination this morning at the time you have given?—A. I did not.

1025. Q. Did you give all the conversation which took place between Donahue and yourself before you had your hand dressed?—A. I did not.

1026. Q. Why did you not give it all in your direct examination?—A. I did not think of it all.

1027. Q. What did Donahue say to you that you did not give?—A. He did not say anything except what I gave.

1028. Q. What was the last thing he said in that conversation?—A. That he had got money to carry the election of Mason and the entire Republican ticket, from a man of the name of Burchard; and if I wanted to have a whack out of it I might; and come on and have a drink, and he would fix up things all right. There was some fellows he had to fix up with money and distribute it around among them on election day. We took a drink, and there was a man was there was an old shipmate of mine. I spoke to him and he shoved me a quarter, and told me to call up the drinks again. He shoved me a quarter and said it was Mason's money. I took the quarter, shoved it to the landlord, took another drink, and went back to my work.

1029. Q. What became of the change?—A. The landlord got it. I left it there.

1030. Q. What did you drink?—A. I drank a little wine, as he called it: Bourbon whisky.



1031. Q. Did you drink that both times?—A. No, sir; I did not.

1032. Q. What did you drink the first time?—A. Well, what they call Greenway ale.

1033. Q. What did Donahue drink?—A. The first time he drank ale, and the next, Bourbon whisky.

1034. Q. What did your old shipmate drink?—A. He took a glass of ale; only drank once; that was last time. Donahue drank with us what we drank.

1035. Q. State how the bar was situated there.—A. It might have been at the left; think it was at the left as we went in.

1036. Q. Are you positive of that fact?—A. Yes.

1037. Q. And did it extend lengthway of the room?—A. Lengthways, I think.

1038. Q. Did you know the bar-tender?—A. I did not.

1039. Q. Describe his appearance.—A. I couldn't describe his appearance, except that he was a good, nice, decent sort of looking man.

1040. Q. Had you ever seen the man before or since?—A. I can't say that I have—no recollection.

1041. Q. Now, sir, ain't you acquainted with every saloon and saloon-keeper in the city?—A. I am not.

1042. Q. What was the first thing Donahue said to you in reference to the election?—A. He said he was glad to see me; said he hadn't seen me since he had returned to town, and he hardly knew me. He said he hadn't seen me and he knew me to be an active hand at the polls. Well, I told him I had got over that. Said he had been out giving some speeches in relation to the Greenback campaign, but the Greenback party had gone back on him. I told him it was too bad, that he had got highly mixed. I told him if he had staid with the old Republican party he was in good shape; that they were good men. He hadn't ought to go wandering around. He said they were all right, except this man Duffy; and that he hadn't showed up, and he hadn't seen him, and he had Mason's money, and he was going to work for Mason. I told him it was all right, go on, and I should like to have him vote for our sheriff here and our recorder, and I did not make much difference between the two; and I went on and left him and went to my work. This is all.

1043. Q. Where was your old shipmate during this time?—A. He stood there talking to another man about going to Cleveland; and I bid him good-by and went to my work.

1044. Q. Who was that shipmate?—A. James Henry Naley.

1045. Q. Where does he live?—A. He lives in Sandusky, city of Sandusky, where he makes it his home, in Ohio.

1046. Q. Have you ever seen him since?—A. Yes, sir; I have.

1047. Q. Where?—A. Down last October or November; afterwards in December at the Northwestern Elevator and at the hotel.

1048. Q. What month was this conversation with Donahue?—A. November, sir.

1049. Q. What kind of a day was it that you talked with Donahue?—A. Couldn't tell you, sir, exactly.

1050. Q. Snow on the ground?—A. I don't think there was any.

1051. Q. Did it snow any that day?—A. That I couldn't say.

1051½. Q. Can you tell whether it stormed any that day?—A. I couldn't tell you.

1052. Q. Did it storm any that afternoon?—A. Don't know.

1053. Q. Did you know that it was damp under foot that day?—A. It was.

1054. Q. Didn't it rain hard that day?—A. I couldn't say, sir.

1055. Q. What time was it when you got back to your job?—A. About three-quarters of an hour from the time I left the job till I got back, I think.

1056. Q. Now, sir, was not the ground all froze up hard at the time you talked with Donahue?—A. Yes, sir; it was all froze up hard.

1057. Q. Very cold, was it not?—A. It was very cold, but not so that hands would freeze.

1058. Q. How long did you work after you went back that night?—A. Till six o'clock, the usual time for quitting.

1059. Q. And was it then dark?—A. Very near.

1060. Q. I want you to state, sir, at what point in the conversation with Donahue you crossed the street to get the drinks.—A. When he was talking about this man Duffy we crossed the street.

1061. Q. Now, sir, was there a saloon near the drug store where you went to get your hand done up?—A. I couldn't say; I did not take any note of it.

1062. Q. Were there any saloons between there and your work?—A. I couldn't say, sir; I think there is.

1063. Q. Don't you know there is?—A. I couldn't swear positively.

1064. Q. Haven't you been into them?—A. I have not—all of them.

1065. Q. What ones have you been into?—A. I was into the American Hotel; one up this way from it; don't know the names; don't know who keeps them.

1066. Q. Was the American Hotel between the drug store and your work?—A. It was.

1067. Q. How far was the American from the drug store?—A. It was on the north end of the block the drug store was on, I think; I won't be positive. I don't know the distance.

1068. Q. How many stores between?—A. Can't tell.

1069. Q. Was it a hundred feet, in your judgment, from the drug store?—A. Yes.

1070. Q. You are in the habit of getting drunk occasionally?—A. You never saw me drunk.

1071. Q. Wasn't you drunk in this court-room the day before yesterday?—A. I say no.

1072. Q. Hadn't you been drinking?—A. No.

1073. Q. Didn't you drink on the day before yesterday?—A. No, sir.

1074. Q. Were you drunk in this court-room last week—Saturday?—A. I was not in this room at all; I passed through the hall.

1075. Q. On Monday, did you not drink at Mullin's Hotel?—A. I did not.

1076. Q. Where were you last night at eight o'clock?—A. I was down at Brown's Hotel.

1077. Q. Until what time?—A. I was there till about nine o'clock or a little after.

1078. Q. You went from there to where?—A. I walked up town, almost to the starch factory.

1079. Q. Who with?—A. Myself.

1080. Q. Then where?—A. Back again to Brown's Hotel, and then to bed.

1081. Q. What did you go to bed there for?—A. Because the notion took me.

1082. Q. Why didn't you go home and stay with your family?—A. I don't know that that is any of your particular business.

1083. Q. Did you see any one or converse with any one after leaving

Brown's Hotel last evening, before you returned to the hotel again?—A. I did not.

1084. Q. Did you go on business up town and into the vicinity of the starch factory?—A. I did.

1085. Q. What business?—A. To see a man about a team.

1086. Q. What man?—A. Jerry Driscoll.

1087. Q. And did you go into the same ward where you live?—A. I did.

1088. Q. And it was a dark, rainy night?—A. It had ceased raining when I went up; raining a little.

1089. Q. How long since you saw your family?

(Objected to, as not material to the issue; and as not a test of the witness's recollection. Ruled out.)

1090. Q. Have you been up to W. A. Poncher's office any time during the past two weeks?—A. I have.

1091. Q. When were you last there?—A. I couldn't say; some day last week.

1092. Q. Have you been up there this week?—A. Yes.

1093. Q. When last?—A. I think Monday morning.

1094. Q. Were you up there yesterday?—A. No, sir.

1095. Q. Who ascended the stairs with you?—A. Myself alone.

1096. Q. Any one request you to go there?—A. No, sir.

1097. Q. Were you requested at any time to go there?—A. I was not.

1098. Q. Who did you meet there?—A. I saw Mr. Poncher.

1099. Q. One of Duffy's attorneys?—A. I don't know. He is an attorney of mine.

1100. Q. In what matter?

(Objected to as not material.)

A. In private matters of my own; looking after some property belonging to me.

1101. Q. Do you own a dollar's worth of property?

(Objected to as immaterial.)

A. I do.

1102. Q. Where?—A. That is none of your business; in the town here, in this city.

1103. Q. Is it real or personal?

(Objected to as immaterial. Notaries disagree.)

A. Personal property.

1104. Q. While up there, was there a word said about what you knew about Mr. Donahue?—A. No, sir.

1105. Q. Was there a word said in reference to Mr. Donahue while you was up there in that office?—A. Not that I heard.

1106. Q. Was there a word said in reference to your being a witness?—A. Not that I ever heard of; not till this morning, when I was subpoenaed.

1107. Q. Did you ever tell any one what you knew about Donahue till this morning?—A. Not that I know of.

1108. Q. Had you ever talked with Baker until this morning?—A. I never talked with Baker till this morning; never saw him to know him by name till this morning.

1109. Q. Then you don't know how this got out that you knew about Donahue?—A. I do not.

1110. Q. When were you first subpoenaed?—A. This morning.

1111. Q. By whom?—A. I think the young man's name is Robinson.

1112. Q. Where did he subpoena you?—A. On the corner of Bridge and West Second streets, this side of Mott's bank.

1113. Q. When did you first meet Baker this morning?—A. In this room.

1114. Q. And did you leave the room to talk the matter over with him?—A. I did not.

1115. Q. Didn't talk the matter over with him at all?—A. I did not.

1116. Q. Did you ever speak with him on this matter?—A. I have not.

1117. Q. Have you ever spoken with Mr. Duffy on this subject?—A. I have not.

1118. Q. Has any one ever asked you what you knew about this matter until you were sworn?—A. I have not talked with anybody; no, sir.

1119. Q. Do you know the date of your subpoena?—A. I do not.

1120. Q. Have you got it with you?—A. I have not.

1121. Q. Have you ever given any one any reason to suppose you knew anything about this matter?

(Objected to.)

A. I have not, so far as I know.

1122. Q. Do you know whether you have or not?—A. I am pretty sure I have not.

1123. Q. Did you have any conversation with any person at Brown's Hotel last night?—A. I did not.

1124. Q. Were you paid any money when you was subpoenaed, and how much?—A. Seventy-five cents.

1125. Q. Do you know J. B. Alexander?—A. I do.

1126. Q. He is an attorney-at-law, is he not?—A. Yes, sir.

1127. Q. Do you understand him as one of the attorneys for Mr. Mason?—A. I do not.

1128. Q. Did you go into his office last Saturday?—A. I was in his office; yes.

1129. Q. For what purpose?—A. I went in there to borrow 25 cents, and he gave it to me.

1130. Q. Was that your only business in there?—A. It was, sir.

1131. Q. Didn't you take that money and go off and get drunk with it?—A. I did not.

1132. Q. Have you now given all the conversations you had with Donahue with reference to Mr. Donahue?

(Objected to on the ground that it is nothing more than a repetition of the cross-examination, witness's recollection having been fully tested.)

A. I can't say whether I have or not.

1133. Q. Have you any recollection of any other conversation, or further conversation, about the election?—A. Not at present.

Adjourned to 9 o'clock a. m., February 13, 1879.

1134. Q. Are you a married man?—A. I am not; a widower.

1135. Q. How many children have you?—A. Got seven.

1136. Q. Do you keep house yourself?—A. I help keep house. Some of my children are married.

1137. Q. For whom were you working on the 5th day of November, 1878?—A. Thompson Kingsford.

1138. Q. Did your boss, Mr. James Quigg, tell you in person that it was Mr. Kingsford's order for you to knock off work at 11 o'clock, and go and vote?

(Objected to.)

A. He did.

1139. Q. Was Mr. James Quigg in the employ of Thompson Kingsford?—A. Yes, sir.

1140. Q. As a boss over men employed?—A. Yes, sir.

1141. Q. State whether or not you are acquainted with Joseph Mason, the Republican candidate for member of Congress in this Congressional district, at the last election; and Sebastian Duffy, the Democratic and Greenback candidate for member of Congress at the same election, or with either of them. If with but one of them, which? and say how long you had known both or either of them?—A. I didn't know none of them—neither one of them.

1142. Q. How long were you in the employ of Mr. Kingsford last fall?—A. About two months; somewhere thereabouts.

1143. Q. Are you able to state the exact distance between the place at which you were to work and the polls at which you voted?—A. I am not.

1144. Q. And did you intend to be understood as saying that the distance was but a quarter of a mile and no more?—A. Yes.

1145. Q. Did you see Donahue at the polls when you arrived there after being in the saloon; and do you know what route he traveled to get there?—A. I did see him when I got there; I don't know how he got there.

1146. Q. In answer to question 1083 in your cross-examination yesterday, you stated that you saw no person and conversed with no one from the time you left Brown's Hotel until you returned there. Do you intend to be understood as saying that you saw no one, or only that you talked with no one?—A. I talked with no one; but did see persons on the street—lots of them.

1147. Q. In answer to cross-interrogatory 1107, as to whether you ever told any person about this conversation with Donahue until called upon to testify, you answered, "Not that I know of." Do you wish to be so understood, or do you mean that you do not recollect telling it?—A. That I do not recollect.

Recross-examination :

1148. Q. You said yesterday that you had known Donahue for how many years?—A. O, about ten, I guess.

1149. Q. Do you know what his politics has been?—A. I don't know.

1150. Q. Did you ever know, prior to last election day, of his ever voting anything but the Democratic ticket?—A. Yes; he was advocating the Greenback cause.

1151. Q. When?—A. At the last charter election.

1152. Q. Prior to that did you know of his voting any other ticket than the Democratic ticket?—A. I don't know.

1153. Q. How came you, then, to tell him that he ought to have staid with the Republicans?—A. Because he had been straying from the Republican party.

1154. Q. Straying from what?—A. From the Republican party.

1155. Q. When did you ever know of his being in the Republican party?—A. Only what he told me himself previous to this.

1156. Q. When did he tell you that he was in the Republican party?—A. On the day before election.

1157. Q. Is that the only time?—A. That is the only time.

1158. Q. Did he, on the day of election, threaten to leave the Republican party?—A. He did not. He advocated it strong.

1159. Q. Had you any fears at that time that he would leave the Republican party?—A. I had not.

1160. Q. Then what occasion had you for saying that he ought to have staid with the Republican party?—A. In last spring's campaign he advocated the Greenback cause instead of the principles of the Republicans.

1161. Q. Did that lead you to believe that Donahue had left the Republican party?—A. Well, it looked so to me.

1162. Q. But you had never known of his being a Republican before last spring?—A. I didn't know.

1163. Q. What did he say to you the day before election day that made you think that he had ever been a Republican?—A. Donahue, day before election, in conversation with him said that he was a Greenback Democrat, and that he would been or ought to have been Republican; but he had been to Auburn State prison and he had got home again and restored to his citizenship; I told him I was glad of it.

1164. Q. Is that the reason why you said to him that he never ought to have left the Republican party?—A. No, it was not.

1165. Q. I ask you again what Donahue said to you the day before election that caused you to believe that he had ever belonged to the Republican party?—A. Nothing.

1166. Q. Did you at the time of that conversation believe that he had ever been a member of the Republican party?

(Objected to; notaries disagree.)

A. I believe that he was not, and never had been.

1167. Q. Then how came you to say to him that he ought not to have left the Republican party?

(Objected to.)

A. Previous to this he told me that he was a Republican, or would like to be, after he first came back from Auburn.

1168. Q. Where did he tell you that?—A. On the street—First street.

1169. Q. When?—A. I don't remember the date of this conversation at all.

1170. Q. What year was it in?—A. I don't know.

1171. Q. You know who commenced the conversation?—A. He did.

1172. Q. Well, what did he say in reference to his relation to the Republican party?

(Objected to as not material to the issue, and not pertinent to it; notaries differed.)

A. I can't answer further than I have before answered.

1173. Q. Didn't you, on the day before election, advise Donahue to become a Republican?—A. I did not.

1174. Q. Did you say anything to him about his becoming a Republican?—A. I did not.

1175. Q. Did he say anything about the Greenbackers not liking Duffy?—A. He did; he said Duffy had not shown up as well as Mason. He said the Greenbackers hadn't showed up, and Mason had.

1176. Q. Did he say anything with reference to the Greenbackers not liking Duffy?

(Objected to as not pertinent to the issue; notaries disagree.)

A. He did.

1177. Q. Did he say why it was the Greenbackers did not like Mr. Duffy?—A. He did; because Mr. Duffy did not show up any money, and Mason did.

1178. Q. Did he say who the other Greenbackers were that were opposed to Mr. Duffy?—A. He did not.

1179. Q. Did he say anything about any Democrats not liking Mr. Duffy?—A. He did.

1180. Q. What did he say about that?—A. Because the leaders did not give him—Donahue—any money.

1181. Q. What did he say about the Democrats not liking Mr. Duffy?—A. I kept no memorandum on that subject.

1182. Q. Did you keep any memorandum of anything else that was said there?—A. Of lots of things.

1183. Q. Will you produce your memorandum?—A. No, sir; I will not.

1184. Q. When did you make it?—A. I generally carry it in my head all the time. I have no written one.

1185. Q. What did you mean, sir, by saying that you made a memorandum?—A. I mean by the word memorandum that I retain all this in my head.

1186. Q. Was there anything special that you tried to remember this more than any ordinary matters?—A. No, sir.

1187. Q. When did you first recall the conversation after it was had?—A. I don't remember anything about the time.

1188. Q. Did you ever recall it until the time you was sworn?—A. I never did.

1189. Q. Have you talked with any one in reference to it since you were sworn yesterday?—A. I have not.

1190. Q. Where did you go from here after the adjournment?—A. I went out of the court-house into the street, and from that home; and after supper took a walk as usual on the street.

1191. Q. Where did you walk?—A. On First, on Bridge, across the river, up First to the corner of Erie, then down Second, about a block and a half; saw a sick man; his name is William Welch; back to where I stop. Then I went upstairs and said my prayers and went to bed.

1192. Q. Are you sure you said your prayers?—A. I got on my knees and said my prayers.

1193. Q. Did you see Mr. Duffy's counsel after adjournment and before you came on the stand this morning?—A. I did.

1194. Q. Did you go to his office?—A. I did.

1195. Q. At what time?—A. Probably about nine o'clock.

1196. Q. Did you talk with him about this case?—A. I did not.

1197. Q. Not a word said about the case?—A. Not a word that I spoke about, nor he to me.

1198. Q. Who was there?

(Objected to.)

A. Mr. Baker; and I done my business and went; and asked about Poucher. There were others, but who I don't know.

1199. Q. Was Mr. Duffy there?—A. I didn't see the man, sir.

1200. Q. How long were you there?—A. I should judge about four or five minutes.

1201. Q. Will you swear you were not there a half an hour?—A. I will.

1202. Q. At what house did you sleep last night?

(Objected to; notaries disagree.)

A. I slept at Mr. James Donahue's, on Sixth street, in the fifth ward.

#### Redirect examination :

1203. Q. Do you wish to be understood as saying that the Greenbackers and Democrats did not like Mr. Duffy, or do you mean to be understood that he, Donahue, did not like him?—A. That Donahue, himself, did not like him.

#### Recross-examination :

1204. Q. Do you mean to take back now what you swore to on your cross-examination this morning, when you referred to Mr. Donahue's saying the day before election that the Greenbackers did not like Mr.

Duffy, and that the Democrats did not like Mr. Duffy, because he had not shown up?

(Objected to on the ground that it is a misstatement and miscoloring of what the witness swore to.)

A. I do not.

Redirect examination :

1205. Q. Did you fully understand Mr. Lamoree's questions put to you to be that the Greenback and Democratic party did not like Duffy, or did you understand him to mean by his questions that he, Donahue, did not like Mr. Duffy?

Question withdrawn on objection of counsel and suggestion of notary.

EDWARD <sup>his</sup> + HENNESSEY.  
mark.

Sworn and subscribed February 13, 1879.

W. W. GREEN,  
Notary Public.  
S. M. COON,  
Notary Public.

*Deposition of Samuel B. Burchard.*

Witness, being first duly sworn, deposition taken in pursuance of notice filed.

1206. Question. State your age, residence, and occupation.—Answer. I am forty years of age; reside at 36 East Oneida street, Oswego; am deputy collector of internal revenue and in the management of the mercantile agency of R. G. Dunn & Co.

1207. Q. How long have you held the position of deputy internal-revenue collector?—A. Six years.

1208. Q. By whom was you appointed?  
(Objected to as immaterial.)

A. J. C. P. Kincaid.

1209. Q. How long have you resided in the city of Oswego?—A. Nineteen years, or near it.

1210. Q. What ward do you reside in?—A. Sixth ward, and have for nineteen years.

1211. Q. What are your politics?—A. Republican.

1212. Q. And have been for what length of time?—A. Since the organization of the party in 1856.

1213. Q. Have you taken an active interest in the success of the Republican party for some years past?—A. I have always been desirous of the success of the Republican party. Yes, I have.

1214. Q. Say whether or not you are acquainted with Joseph Mason and Sebastian Duffy, the Republican and Greenback nominees for Congress in the late Congressional election, or with either of them; if with but one of them, which? and say how long you have known both or either of them.—A. I am acquainted with and have known Joseph Mason for twenty years. I have no acquaintance with Sebastian Duffy.

1215. Q. Have your relations with Mr. Mason been friendly and intimate, or otherwise, within the last five years?—A. They have been friendly, but not intimate.

1216. Q. Did you or did you not know that he was a candidate before the Republican Congressional convention for nomination for Congress last fall?—A. I did know that he was a candidate.



1217. Q. Were you a delegate to that convention?—A. I was not.

1218. Q. Was you present at the time he received his nomination?—A. I was not.

1219. Q. Did you or did you not take an interest in and have a strong desire that he should receive the nomination?—A. I did.

1220. Q. State whether or not you were in this Congressional district prior to the election of November 5, 1878. If so, in what part, and how recently before this election?—A. I don't remember to have been out of the city during the month of November. I think I was out of the city only once since the opening of the campaign. I was in this Congressional district, in the city of Oswego. I don't remember to have been in any other part.

1221. Q. Do you or do you not remember the day of the month and what month Judge Mason received his nomination? If you answer in the affirmative, give the month and day. If you answer in the negative, fix it as near as you can.—A. I do not. I think the first week in October.

1222. Q. Do you or do you not know the city or village and county in which the convention that gave him his nomination was held? And if you answer in the affirmative, state the village or city and county.—A. I do; the village of Oneida, Madison County.

1223. Q. Were you outside of the limits of the city of Oswego at any time after he received his nomination and up to the night of the 5th of November last past?—A. I was.

1224. Q. State when and where, and whom with?—In October; but don't remember the day; at Norwich, Chenango County; went and returned alone, so far as acquaintances are concerned.

1225. Q. Was that the only time you was out of the city?—A. I think it was.

1226. Q. Did you or did you not go to the village of Mexico and the village of Pulaski between the 23d and 30th day of October?—A. I did not.

1227. Q. Did you not talk with and converse with a great number of people in the city of Oswego about the election of Judge Mason prior to the day of election?—A. I did not talk with a great number.

1228. Q. Did or did you not talk with any one about the election of Judge Mason prior to and on the day of election? If you answer in the affirmative, state about the number of persons you so conversed with, in your judgment.—A. I did, but shall not try to designate the number. It might have been ten, it might have been a hundred.

1229. Q. Did or did you not visit around through the different wards of the city of Oswego prior to the election and talk with persons about the election of Judge Mason? If you answer in the affirmative, state what wards did you visit.—A. I did, and think every ward.

1230. Q. Can you, or can you not, now give the names of the different persons you talked with in the respective wards you visited?—A. I cannot.

1231. Q. Can you, or can you not, state the name or names of any person or persons you conversed with in either or any or all the wards you visited? If you answer in the affirmative, state the name or names of those persons, the ward in which you met them.—A. I don't remember any particular person or persons.

1232. Q. Can you, or can you not, state how often you visited these several wards in the city of Oswego and conversed with persons about the election of Judge Mason? If you answer in the affirmative, state what parts of the wards you visited, and about how often you were in the different wards prior to the election.—A. I cannot.

1233. Q. Do you, or do you not, recollect the name or names of the person or persons who accompanied you upon these excursions to the different wards, or any or either of them? If you answer in the affirmative, state their name or names, and what ward you visited together.—A. I do upon one occasion only, when Mr. Lamoree was with me. I was alone on all other occasions. I visited the fourth ward with Mr. Lamoree. I visited no other with him.

1234. Q. State when it was that you and Mr. Lamoree went together; state definitely the time or how long before election, the time of day or night.—A. About nine o'clock on the night before election.

1235. Q. Can you, or can you not, state the different places you visited and the name or names of the men you saw or conversed with on that night about the election of Judge Mason? And if you answer in the affirmative, give the name or names of the men or persons, whether male or female, and where you met them.—A. We called at Charles Doolittle's store; we saw Charles Doolittle and Joseph Dempsey there. We went from there to Connor's shoe-shop; saw Mr. Connor and a gentleman I did not know, a stranger to me. I went from there directly home.

1236. Q. State whether or not you left Mr. Lamoree at Mr. Connor's shoe-shop. If you answer in the affirmative, state what time you left him, and who was present.—A. I did not leave him there.

1237. Q. Where did you leave him?—A. Corner of East Third and Oneida.

1238. Q. What time of night?—A. About half-past nine.

1239. Q. Do you, or do you not, know whether Mr. Lamoree took an active part and worked for and in the interest of Judge Mason's election? If you answer yea, state if the Lamoree you have reference to is the same gentleman who appears here in this contest as Judge Mason's counsel.—A. I do not know that he took a special interest in that particular person. I don't know that he did.

1240. Q. Did he, or did he not, take a part in the election of Judge Mason?—A. I suppose he did.

1241. Q. Were you, or were you not, at the sixth ward polls of the city of Oswego on the day of election?—A. I was.

1242. Q. Did or did you not see Mr. Lamoree at the sixth ward polls on the day of election?—A. I did.

1243. Q. Did you see Mr. Joseph Dempsey or Mr. Charles Doolittle there?—A. I did.

1244. Q. Did you go into any other ward in the city of Oswego that day?—A. I did.

1245. Q. In what wards?—A. In the third ward.

1246. Q. Did you write to Judge Mason after he received his nomination up to the day of election?—A. I did.

1247. Q. How many letters did you write?—A. One.

1248. Q. When was that?—A. The day after the nomination.

1249. Q. Did I understand you to say that he had written but one letter?—A. That was what I meant to say.

1250. Q. Did you write any letters from the time Mr. Mason received his nomination to the election to any person on the subject of Mr. Mason's election?—A. I don't remember that I did.

1251. Q. Do you keep copies of your letters?—A. I do of some of them, but not of all.

1252. Q. Did Judge Mason visit the city during the canvass?—A. He did.

1253. Q. How often?—A. I don't know.

1254. Q. Did you see and consult with him about his political prospects

on any occasion when he was here?—A. I saw and talked with him about them.

1255. Q. Where did Judge Mason stop when he came to the city?—A. I suppose at the Doolittle House.

1256. Q. During the campaign, did you visit him at the Doolittle House; and, if so, how often and who was present with you and him?—A. I did two or three times. I think of no person present except John A. Place, who possibly might have met me there two or three times. I don't remember any one else.

1257. Q. Did you and Mr. Place go there together?—A. Don't remember that we ever did.

1258. Q. Was or was not Mr. Mason here the Saturday previous to the election?—A. I don't know.

1259. Q. Were you in the city of Oswego the Saturday previous to election?—A. I think I was; pretty sure I was.

1260. Q. Did Mr. Mason visit your office on the occasion of his visits to your city after his nomination?—A. He did.

1261. Q. Did or did he not visit your office the Saturday before the election?—A. Not to my knowledge.

1262. Q. Can you say he did not?—A. I cannot.

1263. Q. State whether or not you were at the office of the Oswego Daily Times on the Saturday previous to the day of election, either in the day or night time. If you were, state at what time of day.—A. Don't remember as to the day. I was not there at night.

1264. Q. How often during the canvass did you meet Mr. Place and Mr. Lamoree, Mr. J. B. Alexander, Charles Doolittle, or either, at the office of the Oswego Times or at your office?—A. I can't say.

1265. Q. Did or did you not write a letter to the village of Mexico, between the 1st and 4th days of November, to Mr. Conkling about the election of Judge Mason and what his prospects were?—A. Don't remember I did.

1266. Q. Can or can you not say that you did not do so?—A. I cannot say whether I did or did not.

1267. Q. Do or do you not know the names of the person or persons who constituted the Republican county committee?—A. I do not.

1268. Q. Do or do you not know that the Republican party had a county committee?—A. I do.

1269. Q. Do you know how many persons constituted that committee?—A. I do not.

1270. Q. Do you know who the treasurer of that committee was?—A. I do not.

1271. Q. Do you know personally of any contributions, aside from Mr. Mason's, being solicited or received by the Republican county committee, or any member thereof, or by any person or persons, to be used for election purposes in the last Congressional campaign?—A. I do.

1272. Q. State by whom they were solicited, and from whom, and by whom contributed if contributed without solicitation?—A. Solicited by the Hon. Charles North from myself; paid by myself to him, being the only contribution of which I have any knowledge.

1273. Q. How much did you contribute and when did you pay the same?—A. Ten dollars. Do not remember when paid.

1274. Q. Has or has it not been paid?—A. I said I had paid it.

1275. Q. Was it paid before or after election?—A. Before.

1276. Q. Have you received any information, or have you been informed, or have you learned, or have you heard of money being paid

by any person or persons to any one to be used in the last Congressional campaign on the part of Mr. Mason?

(Objected to as calling only for hearsay evidence. Notaries disagreed.)

A. I do not, and have not, only as in the preceding answer.

1277. Q. Did you or did you not at any time after the nomination of Judge Mason, up to and including the day of election, make any statement or statements as to Judge Mason's being worth money?

(Objected to and withdrawn.)

1278. Q. Did you say to any one during the late Congressional canvass that Judge Mason was rich, or that he was worth a large sum of money, and that he would spend half of what he was worth but what he would be elected?—A. I did not.

1279. Q. Did you not say so to myself, in your office, just prior to the election, on an occasion when you were soliciting me to vote for Mr. Mason—this while standing by the railing in your office?—A. I did not.

1280. Q. Did you not say to me, on Tuesday evening last past, while standing at the west entrance to the Arcade building in this city, that you had so said to other persons?—A. I don't think I told you anything of the kind.

1281. Q. Have you or have you not been in consultation with Mr. Lamoree and others about this contest?—A. I have not. I have talked with them about it.

1282. Q. Have you any recollection of writing any letters from the day of Mr. Mason's nomination to the day of election about Mr. Mason's election?—A. I have not, only as stated.

1283. Q. Did you on or about the first, second, or third days of November, write a letter to Mexico making inquiries as to whether or not a man by the name of Munger or Mongin would be a safe and suitable person to place \$200 with to use for election purposes in behalf of Judge Mason?—A. I did not.

1284. Q. Did you or did you not receive a letter from Mexico stating that he was not a suitable person or safe person to give the money to?—A. Don't remember that I ever did.

1285. Q. Did you or did you not, on or about the first, second, or third days of November, 1878, cause a letter to be written making an inquiry as to whether Munger or Mongin was not a proper man to receive and use \$200 for that purpose?—A. I did not.

1286. Q. Did you write or cause a letter to be written, in substance, to that effect, and for any greater or less sum than \$200?—A. I don't remember that I did.

1287. Q. Have you a copy of the letter you wrote to Judge Mason?—A. I have not, but I can give you a copy from memory.

1288. Q. What position, if any, did Mr. North hold, if you know, other than a member of the Republican county committee?—A. Member of assembly and chairman of the Republican county committee.

1289. Q. Did you have any connection whatever with the county committee, either as a member or as a person advising with them on the conduct of the campaign?—A. I did not.

1290. Q. Did you consult with or give any advice whatever, or make any suggestions to any member of the county committee, or to Mr. Mason, or to any leading Republican, about the conduct of the campaign, and what would be for the best interest of Mr. Mason, or what would be necessary to secure his election or aid in his election?—A. I did make suggestions on one occasion only. I gave no advice.

1291. Q. To whom did you make that suggestion or give that advice?—A. To John A. Place and Charles North.

1292. Q. Where were you gentlemen when you gave that advice or made that suggestion?—A. In the editorial room of the Times office.

1293. Q. Were you closeted there?—A. We were not.

1294. Q. Were you conversing or consulting about the election of Judge Mason?—A. We were not.

1295. Q. How long was this before the day of election?—A. I don't remember.

1296. Q. Can you or can you not tell about how many days or weeks it was before the election?—A. Probably two weeks.

1297. Q. How long was this conversation after Judge Mason had been here?—A. Can't say.

1298. Q. Do you or do you not know of Judge Mason visiting the village of Mexico, in this county? If yea, state how long he was there before the election, as near as you can state.—A. I don't know that he was ever there.

1299. Q. Have you any acquaintance in the town of Hannibal, or village of Hannibalville, in this county, among the Republicans?—A. I can't now name any Republican acquaintance in that town.

1300. Q. Did you or did you not talk with different person or persons residing in the towns of the county of Oswego about the election of Judge Mason? If yea, state their name or names, and from what towns.—A. I presume I did, but cannot mention any particular person or occasion.

1301. Q. Did or did you not make inquiries of persons residing both in the city of Oswego and in the different towns of the county as to how Mason would probably be supported—as to what strength he would probably have?—A. I presume I did.

1302. Q. Can you now give any name or names or designate any place or places where you talked with these persons?—A. I cannot.

1303. Q. Is or is it not by reason of your want of recollection that you cannot state the names of persons and of places?—A. I presume, of course, it is for the want of recollection.

1304. Q. Is or is not your recollection of your acts and doings and sayings in behalf of Judge Mason in the late Congressional contest good or reliable?—A. Usually good for me, and perfectly reliable.

1305. Q. Are you or are you not now able to give your sayings and statements in relation to the election of Judge Mason during the late canvass?—A. Oh, certainly I am not.

1306. Q. Is or is not your recollection at this time distinct as to all matters that you wrote or caused to be written in behalf of, and pertaining to, the election of Judge Mason?—A. It is not.

1307. Q. Are you or are you not now able to tell how many interviews you had with Judge Mason at the city of Oswego and elsewhere during the canvass, and when and where they took place?—A. I am not.

1308. Q. Have or have you not taken a leading part and active interest in politics in behalf of the Republican party for several years prior to the last election?—A. I have taken an active interest, but not a leading part.

1309. Q. You now hold an office under the government?—A. I do; that of deputy revenue collector.

1310. Q. What time in the day did you go to the sixth ward polls on the 5th of November last?—A. About eight o'clock in the morning.

1311. Q. How many letters have you written to and received from Judge Mason since the day of election?—A. I have written him; I don't remember but one. I have received but one.

1312. Q. Might or might you not have both written and received more than one?—A. Yes.

1313. Q. Is it or is it not probable that you have both written and received more than one letter during that time?—A. It is not probable.

1314. Q. Did he write to you first, or did you write to him first?—A. I wrote to him first.

1315. Q. Before or after you first learned that his seat was to be contested?—A. Before.

1316. Q. Did he reply to your letter before or after it was learned that his seat was to be contested?—A. Before.

1317. Q. Have you that letter in your possession or under your control?—A. No, sir; I have not.

1318. Q. Do you know where it is?—A. I do not.

1319. Q. When did you last see it?—A. I don't remember.

1320. Q. Did you exhibit it to any one after you received it?—A. I don't remember that I did.

1321. Q. Upon reflection can you say that you did or did not?—A. I cannot.

1322. Q. Can you recollect what you did with it?—A. I cannot.

1323. Q. Are or are you not careful in keeping your correspondence?—A. I usually keep important correspondence.

Adjourned to 9 o'clock a. m. February 14.

Examination of S. B. Burchard resumed at 9.30 a. m., February 14.

1324. Q. In your position as revenue collector, are you not thrown in contact with and do you not make the acquaintance of a great many persons residing both in the city of Oswego and in the county of Oswego who are doing business in the retailing of liquors, cigars, and tobacco?—A. I do.

1325. Q. Do you not, in your official position, obtain information of a great many persons, both male and female, of a great many persons both in the city of Oswego and the county of Oswego, who are violating the revenue laws in regard to the sale of liquors, tobacco, and cigars?—A. I do not. The cases are very few.

1326. Q. Do you keep a record of such persons as you receive information of for violating the revenue laws?—A. I do not. I report them to the collector.

1327. Q. For the six months preceding the last Congressional election, how many persons have you received information of as violating the internal-revenue law?—A. I can't tell.

1328. Q. Give me the number, to the best of your recollection.—A. Three or four.

1329. Q. Give the names of either or all of them, their places of residence, what the violation was complained of.

(Objected to.)

A. I can't mention any of the names that that period would cover, nor do I remember the offense. I do not remember whether any reside in the city or not.

1330. Q. Did you or did you not see and converse with three different men residing in the city of Oswego, intermediate Judge Mason's nomination and the day of election, whom you had knowledge and proof of having violated the internal-revenue law about the election of Judge Mason?—A. I did not; nor do I know of three persons violating the revenue law in the city of Oswego during the time mentioned.

1331. Q. Had you received any information for two months prior to

the election of any violation of the internal-revenue law in regard to the matters above alluded to, or any other, by any person or persons in the city of Oswego or the county of Oswego?—A. I presume I had.

1332. Q. Do you recollect the names and places of residence of the persons guilty of the violations that you answer you had received information of?—A. I do not.

1333. Q. Did you or did you not issue in your official capacity licenses for the sale of liquors, cigars, and tobacco, after the nomination of Judge Mason and up to the day of election?—A. I presume I did. I can't tell without looking at my books.

1334. Q. By referring to your books can you give the names and places of residence and business for which you issued the license?—A. I can.

1335. Q. Will you do so, and furnish the names and for what purpose license was issued, this afternoon?

(Objected to.)

A. My books are always open to the inspection of any one who chooses to look at them, and I will produce them on the order of the proper officer.

1336. Q. Will you do so, and furnish the names and for what purpose license was issued, this afternoon?—A. I will.

1337. Q. Did you not say during the canvass to a number of persons that you had spent considerable money for Judge Mason's election, or words to that effect?—A. I did not.

1338. Q. Did you not so state to and in the presence of Henry H. Lyman?—A. I don't think I ever did.

1339. Q. Will you or will you not swear that you did not?—A. I can't swear—no; I will not swear to that. I don't think I did.

1340. Q. Will you swear that you did not meet Judge Mason at the Doolittle House, in the city of Oswego, on Tuesday, the 22d day of October, Wednesday, the 23d day of October, and there talk with him about the chances of his election?—A. I will not swear that I did not meet him on those days.

1341. Q. On the two days last above mentioned, as well as on the night-time of said days, did you not go to Judge Mason's room in the Doolittle House?—A. I may have done so, if he was there on those days.

1342. Q. Will you or will you not swear that you met Judge Mason on Saturday, the 2d day of November, at his room in the Doolittle House, under and by appointment made with him on the 23d day of October?—A. I swear that I did not meet him.

1343. Q. Will you swear that you did not meet Judge Mason on the 2d day of November, at the Doolittle House, or elsewhere?—A. I will swear that I did not meet him on the 2d day of November, at the Doolittle House, or elsewhere.

1344. Q. Did you or did you not meet him the day previous to that?—A. I don't think I did.

1345. Q. Will you swear that you did not?—A. Yes; I will.

1346. Q. Did you or did you not, on the 2d day of November, 1878, write a letter upon a sheet of paper containing your letter-head, in the following language: "Oswego, N. Y., Nov. 2, 1878. Dear Conklin: Will it be safe," or "will it be a safe investment to place two hundred dollars in the hands of Mr. Munger to help Judge Mason out," and sign the same with your name, and mail the same, addressed "Mr. Luther Conklin, Mexico, Oswego County, N. Y."?—A. I don't think I did.

1347. Q. Did you or did you not receive a reply to a letter of that character, dated on the 3d day of November, at Mexico, stating that it would not be a safe investment in that quarter; but that amount of money could

be used with advantage at Mexico, signed by Mr. Conklin, and written by his son or clerk, for Mason?—A. I don't believe any such letter; I have no knowledge or remembrance of any such thing.

1348. Q. Did you or did you not, on the 2d day November, 1878, write a letter upon a sheet of paper having your letter-head thereon, dated Oswego, N. Y., November 2, 1878, "Dear Conklin: Will it be a safe investment to place two hundred dollars, or any other sum, in the hands of one Munger for election purposes. Judge Mason has made all necessary provisions. This election must be secured at all hazards," and sign the same with your name, and address the same to Mr. Conklin at Mexico?—A. I don't believe any such letter was ever written by me.

1349. Q. Did you write any letter, in substance, to that effect?—A. I don't remember that I ever did.

1350. Q. Can or can you not now tell me any or all the places, aside from your home and office, that you visited on the Sunday and Saturday night previous to the election?—A. I cannot mention any place aside from my house and office.

1351. Q. From your best recollection did you visit any place in the city of Oswego, other than your home and your office?—A. I don't remember that I did. I don't know that I even went to my office.

1352. Q. Do you or do you not know that you went to your home on that day or night? and speak definitely as to both day and night.—A. I have no doubt I went there both day and night.

1353. Q. Did you converse with any one on the Saturday previous, about politics in relation to the election of Judge Mason?—A. I presume I did.

1354. Q. State as to the Sunday following, where you were, and at the respective places. Give the same in detail.—A. I was at home and at church in the morning. I don't remember what I did in the afternoon. At night I was at the house of Thomas S. Mott.

1355. Q. State who went with you and whom you met at the house of Thomas S. Mott. State definitely the time you went there, when you started, whom you met on the way, what time you left, and whom you met after you left Mr. Mott's house.—A. I went alone to West First street. I met Mr. John A. Place. He asked me to go up and call on Judge Mason with him. He said that he and Mr. Mott had gone to church, and we would find them at Mr. Mott's house after church. We went there together. It was about half past 8 or 9 o'clock. I think I found Mr. Lamoree there; if not, he came in a few minutes afterward. Mr. and Mrs. Mott and Judge Mason were there. I left Mr. Mott's house about ten o'clock, in company with Mr. Lamoree, and went directly home. Saw no one else.

1356. Q. Did you hold joint conversation there?—A. Yes, sir.

1357. Q. Were you talking on religious subjects, or were you talking on politics, the political situation, and the affairs of this country?—A. We talked upon both.

1358. Q. What position, if any, does Mr. Thomas Y. Mott hold as a Republican, either on the State, Congressional, county, or city committee?—A. He is a member of the State committee.

1359. Q. Did you converse together and with Mr. Mason about his election on that occasion?—A. We did.

1360. Q. Did you see Mr. Mason the next morning?—A. I did not.

1361. Q. When did you next see him?—A. Maybe three or four weeks after; I don't remember.

1362. Q. Where were you on the succeeding day, Monday? State defi-



nately the places that you visited.—A. I cannot state definitely the places I visited.

1363. Q. Can you state any place other than your home and office you visited that day?—A. I can.

1364. Q. Where?—A. The Times office, Charles Doolittle's store, Connors's shoeshop; I don't remember any other places, if there were any. I may have been at a score of places, but cannot call them to mind.

1365. Q. Were you and Mr. Lamoree not over in what is called Pious Hollow, on the east side of the city, on this Monday night?—A. We were not.

1366. Q. Did you or did you not call at the residence of Mr. Sayles on that night, and after dark?—A. We did not.

1367. Q. How long did you remain in Connors's shoeshop?—A. About five minutes.

1368. Q. What part of his shop was you in, front or back room, or in the hall-way?—A. I saw only one apartment, nor was in but one, the front room.

1369. Q. With whom, if any one, did you talk there?—A. Talked with Mr. C. Connors.

1370. Q. Who else did you see there?—A. A party whose name I did not know at that time.

1371. Q. Have you since learned his name?—A. I have.

1372. Q. What have you learned his name to be?—A. John Collins.

1373. Q. By whom was this conversation with Connors carried on; you or Mr. Lamoree?—A. Mr. Connors and myself.

1374. Q. State whether or not Mr. Lamoree and you have talked over together, since Mr. Collins was sworn, the matters that he thus testified to.—A. I think we have talked about them.

1375. Q. State how often.—A. As often as once a day for the two days that Collins was being examined here.

1376. Q. Have you not talked with Mr. Lamoree about that matter since his examination and cross-examination was completed?—A. I don't think we have.

1377. Q. With whom did Mr. Lamoree talk upon that occasion; Connors or Collins, or both?—A. I think he had something to say to both of them.

1378. Q. Did you or Lamoree, or either or both of you, say anything in there about the election?—A. We did.

1379. Q. Had you any other business with either Connors or Collins, or both of them, than that of the election?—A. I had not.

1380. Q. Did Mr. Lamoree transact any business there with either or both of them?—A. Not to my knowledge.

1381. Q. At whose instance did you go to Mr. Connors's shoeshop, and what induced you to go, and who induced you to go, if any one?—A. I went of my own accord, to ask Mr. Connors how he was going to vote on the following day.

1382. Q. How did you know that Mr. Connors was there at that time or on that day?—A. I saw him there.

1383. Q. How did you know that he was at his shop at that hour of the night?—A. I didn't know he was there till I got there.

1384. Q. How long had you been acquainted with him at that time, and what were his politics, Republican or Democrat?—A. Eight or ten years; politics always mixed.

1385. Q. Where did you first meet Mr. Lamoree that night, and how came he to go with you?—A. I met him at the Times office, and I asked him to go, as we came out of Charles Doolittle's store.

1386. Q. On what night or day was the arrangement completed and the persons selected to work at the respective polls at the city on election day?—A. I don't know.

1387. Q. Do you or do you not know when any of the arrangements were made, whether fully completed or not, for the management of the election for any or either ward?—A. I do not.

1388. Q. State how you came to be stationed at the sixth ward polls.—A. I stationed myself there; I lived in that ward.

1389. Q. Did you receive any information, or were you informed, or did you learn from any person what, if any, arrangements in whole or in part were made for managing or conducting the election at any or either of the wards in the city or in the county?—A. I did not.

1390. Q. Were you not present at a meeting of politicians, persons known to you to be such, and Republicans, at the Times office the night before election?—A. I was at the Times office, but at no meeting.

1391. Q. At what hour were you there, and who did you see there, and who did you talk with, and did you not talk about the election?—A. I went there about half past eight, and was there about five minutes. There were a good many there; Mr. Lamoree and Mr. Charles Doolittle were the only ones I remember to have spoken to or can now call to mind as having been there.

1392. Q. Did you see Mr. Alexander there?—A. I don't remember that I did.

1393. Q. Did you see Mr. John N. Place, Mr. Joseph Dempsey, Mr. William Young, Mr. Leo Adkins there on that occasion, and did you not talk with the parties I have now just named?—A. Some or all of them may have been there, and I may have talked with some of them.

1394. Q. Did you leave Mr. Charles Doolittle there?—A. I did not.

1395. Q. How came you to go to Mr. Doolittle's place of business, and for what purpose did you go?—A. We came in company from the Times office; went there for no special purpose.

1396. Q. Have you received any information, or have you been informed, or have you learned from any source whatever, when Mr. Cornelius Connors left town, or where he went to?—A. I have not. I did not know till now that he had left town.

1397. Q. Have you not understood prior to this time that Mr. Connors had left; and have you not in fact talked about it to one or more persons in the Arcade Block, in rooms Nos. 10 and 11, and in your office?—A. I have not. I only knew of the report as incidentally referred to in the court or on the street.

1398. Q. When did you first hear it talked of on the streets?—A. I don't remember.

1399. Q. Did you see and have an interview with Mr. Conklin, of Mexico, after Judge Mason's nomination, and before the election?—A. I think I saw him several times within the time specified.

1400. Q. When and where?—A. I don't remember the time. He usually visited my office when he came here, where I saw him.

1401. Q. You and him were quite intimate, were you not?—A. Our relations were pleasant and friendly.

1402. Q. Did you not see him a week or ten days before the election?—A. Quite likely I did.

1403. Q. Did you not talk about the election in that interview?—A. Quite likely I did.

1404. Q. Did you not in that conversation talk about the chances of Judge Mason's election, and how he would probably run in his own county and in this county?—A. I presume I may have done so.

1405. Q. Will you now swear that you did or did not, in company with Mr. Mott and Mr. Place, meet Mr. Mason and have an interview at some length the Saturday before the election, either at the Doolittle House or at the First National Bank?—A. I did not see Mr. Mason on the day you speak of at any place or with any person; and I further say I don't believe he was in the city. If he was I did not know it.

1406. Q. Did you or did you not have an interview with Judge Mason, together with Mr. John A. Place and Thomas Y. Mott, on the Friday before election or the Sunday before the election, at the Doolittle House, or elsewhere?—A. I did not, only as stated in preceding answers.

1407. Q. Did you receive any information or have you been informed or have you learned of any fund being raised to aid Judge Mason in his election in the city of Oswego or elsewhere?—A. I have not.

1408. Q. Have you not taken an interest in behalf of Judge Mason in this contest?—A. I have.

1409. Q. Have you not said, since the notice of contest was served upon Judge Mason, that if we did not go outside of the city, you wasn't afraid of Duffy finding anything out about what you had done?—A. Don't think I have ever made the remark.

1410. Q. Do you know Mr. Thompson Kingsford?—A. I do.

1411. Q. In your interview spoken of, at the residence of Mr. Mott, when canvassing the chances of Judge Mason's election, was Mr. Kingsford not spoken of, and then and there agreed that he should be seen?—A. I don't believe his name was mentioned during the interview.

1412. Q. Do you not know that Mr. Mott promised to see Kingsford the next day or before election?—A. I do not.

1413. Q. Do you know whether Mr. Mott at any time promised or agreed to see Mr. Kingsford about Mr. Mason's election?—A. I do not.

1414. Q. Did you ever speak to Mr. Kingsford about the election?—A. I never did.

1415. Q. Were you not informed by Mr. Mason that his chances for carrying his own county were against him or doubtful?—A. I was not.

1416. Q. Were you so informed by any one or by any means?—A. I don't think I was by any one.

1417. Q. Did you send any telegrams to Judge Mason during the canvass?—A. I did not.

1418. Q. Did you send any telegrams to any person about the election in any manner?—A. I think I did not.

1419. Q. Did you receive any telegrams from any person about the election?—A. I did not.

1420. Q. Can you now give the last conversation you had with Judge Mason before the election, and when it took place and where, and who was present?—A. I can. At Thomas Y. Mott's, Sunday night, November 3d. Mr. and Mrs. Mott, Mr. Lamoree, and Mr. Place were present.

1421. Q. Can you answer as to the next to the last conversation; the same particulars as before?—A. I cannot.

1422. Q. Can you give the time, place, and persons present at any other conversation you had with Mr. Mason except the one spoken of? If you say yea, can you, as to any or either of them or all of them, state the same in detail?—A. I don't now remember but one; can't remember the time. The place was my office. Mr. Allen and Mr. Mason were present.

1423. Q. About how long before the election was that?—A. I can't tell; ten days, perhaps.

1424. Q. Did you see Mr. Mason upon the occasions that he visited the city of Oswego?—A. I did, some of them.

1425. Q. Did you learn of his being here on some occasions when you did not see him?—A. I don't remember that I did.

1426. Q. How many interviews have you had in your office with him?—A. I can't tell.

1427. Q. Do you know Mr. Munger, of the village of Mexico, personally or by reputation?—A. I do not.

1428. Q. Did you solicit any person or persons to work on the day of election?—A. I don't remember that I did.

1429. Q. Did you visit Mr. Connors for the purpose of learning how he would vote, or to employ him to work at the election?—A. For the purpose of learning how he was going to vote.

1430. Q. And for no other purpose?—A. For no other purpose.

1431. Q. Did you or did you not, upon that night, have any money on your person?—A. I presume I did.

1432. Q. Can you tell how much?—A. I cannot.

1433. Q. Did you call on any other person or persons on that trip to ascertain how they would vote, or on the Sunday or Monday following?—A. I did not on the Sunday following. On Monday I did.

1434. Q. Whom did you call on on Monday to see how they would vote?—A. I don't now remember any particular person or place.

1435. Q. How many did you see on Saturday as to how they would vote?—A. Don't remember to have seen any on Saturday.

1436. Q. How many did you see on Monday as to how they would vote?—A. I may have seen four or five; I don't think any more.

1437. Q. Were they Republicans or Democrats?—A. I can't answer.

1438. Q. Were they not laboring-men?—A. I can't answer.

1439. Q. Did you leave your place of business to go to see them?—A. Of course I did; not specially.

1440. Q. You did leave your place of business when you saw these men?—A. I did.

1441. Q. Did you call on any saloon-keepers from Wednesday to the day of election?—A. With the exception of Connors, I think I did not.

1442. Q. Was Mr. Connors the keeper of a saloon to the day of election at that time?—A. My impression is that he was.

1443. Q. Did you visit any saloon in the city of Oswego from Wednesday preceding the election to the day of election, either in the night season or the daytime?—A. I don't think I did, with the above exception.

1444. Q. Is that as strong as you can put your answer?—A. I feel very sure I did not. I will not answer yes or no.

Adjourned to 2 o'clock p. m.

Examination of S. B. BURCHARD resumed :

1445. Question. What grocery-stores and shoeshops were visited by you for ten days prior to election?—Answer. I can't tell.

1446. Q. How many did you visit during that time?—A. I can't tell.

1447. Q. Can you give the name or names of the keepers of any groceries or shoeshops you visited in that time, any or all of them?—A. I can.

1448. Q. Give their names.—A. C. Connors. I can't remember any others.

1449. Q. Did you visit different ones during that time?—A. I presume I did.

1450. Q. And you can't now recollect where they were situated nor who were their proprietors?—A. I cannot. Those visits were not exclusively for political purposes.

1451. Q. Did you visit any or either of those places for political purposes?—A. I did.

1452. Q. More than one?—A. I don't now remember more than one.

1453. Q. Were they on both sides of the river—the stores and shoe-shops you visited for political purposes?—A. They were not.

1454. Q. On which side situated?—A. On the east side.

1455. Q. Did you or did you not have any money in your possession on the day of election?—A. I presume I did.

1456. Q. Can you tell how much?—A. I cannot.

Cross-examination of same witness :

1457. Q. Mr. Burchard, did you have any money on election day for political purposes?—A. I did not.

1458. Q. Did you use, or know of money having been used on election day to effect the election of Judge Mason?—A. I did not use, nor do not know of any being used for that purpose.

1459. Q. Did you use, or know of money being used to effect the election of Judge Mason in particular, at any time prior to election day?—A. I do not.

1460. Q. You spoke of having a conversation with Judge Mason at your office in Oswego, something like ten days before the election. Who was present at that conversation?—A. Mr. S. M. Allen, Judge Mason, and myself.

1461. Q. Was there anything said in that conversation in reference to rumors of Mr. Duffy's, or in reference to Mr. Duffy's using money?—A. I do not remember that there was.

1462. Q. Was there anything said in reference to Judge Mason's using money, or money being used in behalf of Judge Mason?—A. There was.

1463. Q. You may state what, if anything, Judge Mason said upon that subject.—A. He said votes should not be secured in that way by his consent.

1464. Q. And did he say anything in reference to an existing apprehension lest Mr. Duffy might be elected?—A. I don't remember that he did.

1465. Q. Have you been familiar, in a general way, with the politics of the twenty-fourth Congressional district; and, if so, how long?—A. I have; twelve or fifteen years.

1466. Q. State what you may know in reference to the Republican majority in the twenty-fourth Congressional district being uniformly large or small?

(Objected to: 1st. On the ground that it is not cross-examination as to anything called out by the contestant. 2d. The witness has not shown himself competent to speak on the question of majorities. 3d. That it is not the best evidence; that official returns of election should be shown. Notaries disagree.)

A. Uniformly large.

1467. Q. How long were you at the residence of Mr. Mott the Sunday evening before election?—A. Probably half an hour.

1468. Q. And was that call associated with more than friendship and a friendly token of respect to Judge Mason?—A. It was not.

1469. Q. And did you see Judge Mason at any other time or place during the week preceding election?—A. I did not, only as related in my direct examination.

1470. Q. You have been asked with reference to interviews between you and third parties having business to do with you officially. In those

interviews, did you use or attempt to use your official position to the accomplishment of Judge Mason's election?—A. I did not.

1471. Q. You speak of an occasion when you gave Charles North and John A. Place some advice in reference to the campaign. Did that advice relate to Judge Mason in particular or to the conduct of the campaign in general?—A. To the conduct of the campaign in general. I think Judge Mason's name was not mentioned in the interview.

1472. Q. Did you, on or about election day, know or hear rumors upon the street with reference to the use of money at the polls by the contestant, Mr. Duffy, or those in his interest?—A. I did.

1473. Q. Do you know personally or from current rumor upon the street of large sums of money having been used at the polls on election day, both in the city and throughout the county of Oswego, by one John Gardenier in the interest of the ticket upon which Mr. Duffy's name appeared?

(Objected to by the contestant on the grounds: 1st. It is incompetent to this issue. 2d. It is not material to the issue between Duffy and Mason. 3d. That nothing has been shown of a privity between contestant and Gardenier. 4th. That there has been no proof showing Mr. Gardenier to be an agent of or working for or in the interest of Sebastian Duffy, or soliciting votes in his behalf. Notaries disagree.)

A. I do not know personally, but do know from current rumor upon the streets of large sums of money being used by John Gardenier for the purpose of securing the election of the ticket on which Sebastian Duffy's name appeared.

1474. Q. Did you see John Gardenier at the sixth-ward polls on election day?—A. I did.

1475. Q. And was he working in the interest of Sebastian Duffy, contestant?—A. I can't say that he was.

1476. Q. Did you then and there see money openly displayed in the hands of John Gardenier?

(Objected to as being wholly immaterial to the issue between Duffy and Mason, the witness having shown himself incompetent to speak in a manner that would make Gardenier the agent of Duffy or working in the interest of Duffy, to secure his election. Notaries differ.)

A. I do not remember that I did.

1477. Q. You may state, if you know, with reference to the politics of John Gardenier.

(Objected to, on the ground that it is incompetent as to the issue between Duffy and Mason; 2d, that it is not material to the issue between Duffy and Mason, and does not tend to prove or disprove any or all the charges in contestee's answer. Notaries disagree.)

A. Democratic, and a politician as I regard him.

1478. Q. Did you, on election-day and at the sixth-ward polls, hear John Gardenier say anything with reference to his having that day paid money to two gentlemen by the name of Dowdle for services rendered at the polls in aid of the ticket on which Mr. Duffy's name appeared?

(Same objection and on same grounds to the last question. Same ruling.)

A. I did.

1479. Q. You may state what Mr. Gardenier said upon that subject, as near as you can.

(Objected to same as above, and same ruling.)

A. I can't give his language. He said that the money he had put into the election had been used to elect the Greenback part of the ticket.

I don't understand that he paid the Dowdles money; but held them responsible for it.

1480. Q. Did he not say that he regarded it as a shame after all the money he had put into the campaign, and the indorsement of Dowdle's brother, a Greenbacker, by the Democratic party, that now two of Dowdle's brothers should demand and receive from him money for services rendered at the polls, or words to that effect?

(Objected to same as above; and further, that the witness has shown conclusively that Gardenier was not the agent of or actively at work to secure the election of contestant. Notaries differ.)

A. That was substantially his talk.

1481. Q. You say that you wrote Judge Mason one letter after the election. When was that written?—A. Day after election.

1482. Q. You have stated that you saw Charles Doolittle, Joseph Dempsey, and Mr. Lamoree at the polls of the sixth ward on the 5th day of November last. Were each and all of such persons long residents and voters at the polls in that ward?—A. They were.

1483. Q. And did you see anything unusual on the part of any or all of said persons?—A. I did not.

1484. Q. Did you, on election day, discover any evidences that money had been or was being used at the sixth-ward polls in the interest of Judge Mason?—A. I did not.

1485. Q. Did you know of considerable numbers of hard-moneyed Democrats and persons interested in the educational interest of the city and county voting against Mr. Duffy or withholding their support from him?

(Objected to on the ground that it does not prove or tend to disprove the issue formed between the contestant and the contestee, except in an indirect and incompetent manner. Notaries disagree.)

A. I know of considerable numbers who said they would and did vote against him.

(Contestant's counsel says answer is objectionable on the ground that it shows itself to be strictly no answer or reply, and not on contestant's case.)

1486. Q. You may name some of the more prominent of the hard-money Democrats who are said to have voted against Mr. Duffy in this city.

(Objected to as above, first, that this is not that class of declarations that it is competent to prove. Same disagreement of notaries.)

A. I remember Edwin Allen, M. J. Cummings, Bart. Lynch, John Dunn Deloss De Wolf, Mr. Lawrence McWhorter, Alberton Perry, Richardson and Rhodes; I do not now remember others.

1487. Q. Are each and all of these persons whom you have named active and prominent workers in the Democratic party?

(Same objection as last before. Notaries disagree.)

A. They are so regarded.

1488. Q. And do you know the cause of this defection from the support of Mr. Duffy?

(Objected to as above and on the further ground that witness has not shown himself competent to speak.)

A. It was the financial question involved in the campaign; I can't say as to the educational question.

1489. Q. And did you know of other prominent Democrats who withdrew from his support on the financial question?

(Same objection. Same disagreement of notaries.)

A. I don't recall the names of any others just now, except N. M. Rowe.

1490. Q. And was Mr. Rowe an active worker at the polls, and has he been for years?—A. He has.

1491. Q. And have Mr. Allen and Mr. Perry been Democratic mayors of this city?

(Objected to as above.)

A. They have.

1492. Q. And what is Mr. De Wolf's business?

(Objected to as above.)

A. A banker.

1493. Q. And long a member of the Democratic State committee?

(Same objection.)

A. Yes, sir.

1494. Q. And was Bart. Lynch at the time a member of the Democratic State committee?—A. I don't think he was.

1495. Q. And had Mr. Lynch been a member of the Democratic State committee?

(Objected to as above.)

A. He had.

1496. Q. And did you know of prominent Democrats outside of the city of Oswego who for the same reason refused to support Mr. Duffy?

(Same objection.)

A. It was so reported and understood, but I cannot call their names.

1497. Q. Did you know with reference to the position of F. T. Lowe, the then Democratic sheriff of the county?

(Same objection.)

A. He said he could not support him; he told me so.

1498. Q. And was he prominent in the Democratic politics of the county?

(Same objection.)

A. He was; he was the Democratic sheriff.

1499. Q. And did you know what the position was of D. J. Van Auken, of Hannibal, and his son?

(Same objection.)

A. I cannot define their position.

1500. Q. Do you know Philo Bundy, and did he stop in the same office with you in the summer and fall of 1878?—A. He did.

1501. Q. What do you know, if anything, with reference to his sanity in reference to political subjects during the summer and fall of 1878?

(Objected to on the ground of incompetency and immateriality, and that Burchard is not an expert. Notaries differ.)

A. I desire to treat it fairly and will say that he was a red-hot Green-backer.

1502. Q. And was he the subject of political amusement during the campaign?

(Objected to as incompetent and immaterial. Notaries agree it was immaterial.)

1503. Q. Did you have a conversation with Mr. Bundy on the day after election, touching the election of Judge Mason to Congress?—A. I did.

1504. Q. You may give and explain that conversation.

(Objected to as incompetent for the witness to give an explanation of that conversation.)

A. Mr. Bundy and myself had frequent conversations upon political questions and candidates; sometimes they were honest and earnest,



sometimes trifling and irritating. He often declared his faith in the success of Mr. Duffy, if not beaten by the improper use of money. Myself and others in the office frequently annoyed him by telling him of the fabulous sums of money that was being put into the election.

(Contestant moves to strike out the answer thus far given as not being responsive to or an explanation of the conversation called for.)

Witness proceeds: The morning after the election Mr. Bundy entered the office; I think his words were "Well, you have elected your man," and ironically added "money done it." I replied in the same spirit substantially as follows: "We have spent money enough in this district to sink a ship." That was substantially all that was said.

1505. Q. Did he congratulate you over the success of Mason and tell you that in the political shower something would fall to you?—A. I think he did say something to that effect; my reply was that I had desired the election of Judge Mason on the ground of political preference and personal friendship; that the question of preferment, fee, or reward had never been raised between us; that was substantially all.

1506. Q. Did you tell him in that conversation that Judge Mason came down here or to the city of Oswego a few days before the election and said it was going to be close between him and Mr. Duffy; that you told Mr. Mason that here was the place to put in some money, or words to that effect, and that Judge Mason came to Oswego the Saturday before election and brought with him \$1,500, and placed the same around among his friends or in the hands of his agent to be used where it would do the most good; and that you put \$50 into the hands of a Mr. Moriarty to be used in the first ward; did you tell him that, or that in substance, and, if so, were you serious in making the statement?—A. I did not tell him that Judge Mason had brought any money here to place in the hands of agents, or for any other purposes; I did not tell him that I had paid Moriarty any amount of money; I might possibly have told him, and if I did, it was jokingly or ironically said, that heaps of money had been used, and may have mentioned some ridiculously large amount.

1507. Q. Did you know of Judge Mason's bringing to the city of Oswego any sum of money, however small, to be used, directly or indirectly, to advance his election at any time during the campaign?—A. I did not.

1508. Q. If you said to Mr. Bundy that money had been used for the purposes of advancing the election of Judge Mason, was the same designed by you to be taken as a fact?—A. It was not.

1509. Q. Did you know of money having been used, directly or indirectly, for the purposes of advancing Judge Mason's election beyond that of other candidates upon the Republican ticket?—A. I did not.

1510. Q. Did you know of money having been used for the advancement of the general ticket, directly or indirectly, by the purchase of votes, the intimidation of voters, or any other corrupt or illegal means?

(Objected to as being strictly a part of their reply and not the proper time to introduce it in using up Mr. Duffy's time. Notaries disagree.)

A. I did not.

1511. Q. Did you pay any money to Moriarty or any one else to be used at the first ward or any other polling-place in the district?

(Same objection.)

A. I did not.

1512. Q. What do you know, if anything, with reference to Judge Mason in the convention that nominated him?

(Objected to as not material to the issue. Notaries differ.)

A. I know nothing, and was not there.

1513. Q. Do you know a man by the name of John Collins?—A. I know a man that is called and calls himself John Collins.

1514. Q. The first witness sworn upon this contest?—A. That is the man I have reference to.

1515. Q. Did that gentleman call upon you at your office; and, if so, when?—A. He did the day before his first evidence was taken; I think that was the day.

1516. Q. You may state whether or no Collins requested money of you.—A. He did.

(Counsel for Mr. Duffy objects to all this series of questions as above.)

1517. Q. What did he say to you on that subject?—A. He said that if money could be furnished to get him out of town and provide for his family, he would leave and not testify in the Duffy case.

1518. Q. Did he say anything to you about having been told there was money in the Duffy case?—A. I think he said he believed there was money in it.

1519. Q. What else did he say at your office?—A. That substantially was all.

1520. Q. Where did you go with Collins, if anywhere, from your office?—A. I did not go anywhere with him.

1521. Q. Did you see him at any other place; and, if so, where?—A. I did soon after, at the Times office.

1522. Q. Was he trying there to get money; and, if so, from whom?—A. His business there was substantially the same, and with Mr. Place.

1523. Q. State what he said there as near as you can give it.—A. He said he had been subpoenaed in the Duffy case; he thought it best to be sent out of town and have his family taken care of until it was over. That is all substantially that he said that I remember.

1524. Q. Was there any offer made to give him money either at your office or at the Times office?—A. There was not.

1525. Q. Did you afterwards see him at any other place; and, if so, where?—A. I did, at Mr. Lamoree's office.

1526. Q. What was his errand there?—A. The same.

1527. Q. Was there any offer made to pay him any money there?—A. There was not.

1528. Q. And did not Mr. Lamoree tell him that it was a mere attempt to blackmail and that he wouldn't give him a cent?

(Objected to that it is leading, and for same objection that it is part of answer. Notaries differ.)

A. He told him substantially that, and ordered him out of the office.

1529. Q. Was you with Mr. Lamoree the entire time that he was in Connors's shoeshop on the evening before the election and on the occasion testified to both by Collins and yourself?—A. I was.

1530. Q. Was you near enough to them so as to know what took place between them?—A. I was.

1531. Q. Was any money paid by Mr. Lamoree to Mr. Collins on that occasion?—A. I saw no money paid to any one.

1532. Q. If money had been paid would you have seen it?—A. I would have been very likely to have seen it.

1533. Q. Was anything whatever said by any one about the payment of money on that occasion, so far as you heard?—A. I don't remember that there was.

1534. Q. If anything of the kind had been said by Mr. Lamoree on that occasion would you have heard it?—A. I think I would.

Redirect examination :

1535. Q. You did know of money being used in the campaign to further the interest of the Republican party and Judge Mason ?—A. Only as answered before, in the general and usual way.

1536. Q. How much money did you know or hear of being used ?—A. I don't know of any particular amount ; nor have I heard of any specific amount.

1537. Q. But you did know or hear of money being used ?—A. I do not of my own knowledge. I don't think I heard of its being used only in the general and usual way through the regular committees.

1538. Q. From whom did you hear that ?—A. I can't now say.

1539. Q. Did you hear it generally spoken of by parties prominent in the Republican party ?—A. I did not.

1540. Q. How, then, did you receive your information ?—A. Incidentally.

1541. Q. And you believe that money was used ?—A. In the way and manner indicated.

1542. Q. Was it not common report upon the streets of Oswego that money was being used for Judge Mason ?—A. I never heard of it.

1543. Q. In answer to a question put to you by Mr. Lamoree, " Do you know of money being used to effect the election of Judge Mason in particular ? " did you not answer, " except through the committees " ?—A. Because that was not asked me. I answered his question specifically and definitely.

1544. Q. Do you know what amount of money Mr. Mason was assessed by the county committee ?—A. I do not.

1545. Q. Do you know how much he paid ?—A. I do not.

1546. Q. Have you ever heard how much he paid ?—A. I have not.

1547. Q. You stated that, at an interview in your office with Judge Mason, there was something said about using money or money being used in behalf of Judge Mason. Who first spoke of it ?—A. Mr. Allen.

1548. Q. Mr. Allen is a Republican, is he not ?—A. He is, and a relative of mine, and connected in business with me.

1549. Q. In that same interview, there was something said about his election, was there not ?—A. I presume there was.

1550. Q. And his chances of success were there canvassed by you, Mr. Allen, and Judge Mason ?—A. I don't think they were.

1551. Q. Was it not at that time conceded, or generally conceded by the Republican party, that this county would be very close or give a small majority against him ?—A. It was not so regarded by me. I did not hear it so expressed by anybody.

1552. Q. What has been the Republican majority for two years last past, and what was Mr. Mason's majority last fall, in Madison County ?—A. I don't remember either.

1553. Q. What has been the Republican majority for two years last past, and what was Mr. Mason's majority last fall in Oswego County ?—A. I think Mr. Mason's majority was something over six hundred last fall. I don't remember the Republican majority previously the two years last past.

1554. Q. You are not familiar with the Republican majorities in this district the last two years ?—A. I don't now remember what they were.

1555. Q. On the occasion when you and Charles North and John A. Place were advising upon the political situation of the canvass, you did speak of Mr. Mason ?—A. I don't remember that his name was mentioned.

1556. Q. Were you advising together as to what would be best for your party in the canvass ?—A. Not specially.

1557. Q. How did you come to meet together and open up a conversation of that character?—A. I stepped into the Times office, found Mr. Place and Mr. North together. Mr. North said, "We have got you assessed for ten dollars." I replied, "There is the money," and advised and urged that more meetings be had through the county for discussing the issues of the campaign.

1558. Q. Were you a candidate on the Republican ticket at the time you were assessed and paid your assessment for any office?—A. I was not.

1559. Q. In answer to the following question, put to you by contestee's counsel, "Did you, on or about election-day, know or hear rumors upon the street with reference to the use of money at the polls by the contestant or those in his interest?" to which you answered, "I did," do you mean that it was on election-day that you heard these rumors, and who did you hear speak of them?—A. I mean that it was on or about election-day that I heard the rumors. I cannot remember any particular person.

1560. Q. Did you know of your own knowledge of Mr. Duffy using money?—A. I did not.

1561. Q. Did you know of any one who was working for Mr. Duffy alone using money?—A. I do not know of anybody who was working for him alone. I do not know of any one using money for him.

1562. Q. Is it not a fact that the rumors that you heard upon the streets in regard to the use of money for the Democratic ticket were confined exclusively to Mr. Gardinier and his interest?—A. They were not.

Adjourned to February 15, 9 a. m.

February 15. Redirect examination of S. B. BURCHARD resumes'.

1563. Q. You state that Charles Doolittle, Joseph Dempsey, and Mr. Lamoree were long residents of the sixth ward of the city of Oswego. Have they not been constantly in the habit and known and recognized as leading Republicans working at the polls on the election day?

(Objected to as immaterial.)

A. They have.

1564. Q. You answer that you saw nothing unusual on the part of any or all of said persons at the polls on that day. Do you not mean to say that you saw nothing unusual to you?—A. I mean just that. I am testifying for myself in the matter.

1565. Q. You have answered giving the names of certain hard money Democrats whom you name as follows: Edwin Allen, M. J. Cumings, Bart Lynch, John Dunn, Deloss De Wolf, Lawrence McWhorter, Alburtus Pery, Charles Rhoades, Charles Richardson, N. M. Rowe, whom you stated voted against Mr. Duffy. State whether you saw them vote, seeing their ballots before they voted, or any or all of them.—A. I did not see them vote.

1566. Q. From whom did you receive your information that N. M. Rowe voted against Mr. Duffy?—A. Mr. Rowe's general conduct and conversation at the polls.

1567. Q. Will you swear that he did vote against him?—A. I will not.

1568. Q. Will you swear that any or either of the rest of these named by you voted against him, and, if so, which one?—A. I will not.

1569. Q. You answer that you know of prominent Democrats outside of the city of Oswego who, for the same reason, refused to support Mr. Duffy. Give their names and from whom you received the information.—A. I have made reply to no such question.

1570. Q. From whom did you receive your information of reports that any Democrats outside of the city were refusing to support Mr. Duffy?—A. It was common report. I cannot name any particular source.

1571. Q. Do you mean to say that your recollection is so bad about facts and circumstances, and matters pertaining to the election last fall, that you can't now remember so as to state distinctly any name?—A. I cannot now remember any particular name. I have given all the answer that I shall.

1572. Q. You do not mean to say that you recollect your conversations, your acts, and matters that you heard during the canvass at the present time so as to be able to state them clearly, distinctly, and with absolute certainty?—A. I mean to say that I do not remember my acts and conversation during the canvass to state them definitely at this time nor with absolute certainty.

1573. Q. State the same as to rumors that you heard.—A. I make the same reply that I did to the last question.

1574. Q. In answer to a subsequent question, put by Mr. Lamoree, you answer that you did not know of the intimidation of voters in the canvass. I'll ask you to state if in fact you have not heard it talked about repeatedly and rumored in the streets that persons in the employ of Thompson Kingsford in this city have been intimidated and compelled to vote the Republican ticket for several years last past?

(Objected to.)

A. I have heard such rumors.

1575. Q. Were you acquainted with Hugh and Daniel Moriarty last fall previous to the election?—A. I was not.

1576. Q. Did you know them by sight?—A. I did not.

1577. Q. On the occasion that Mr. Collins called upon you that you spoke of, did you or Mr. Place deny to him that he had received money?—A. Why, he did not say anything about receiving money.

1578. Q. You have answered once, Mr. Burchard, that Mr. Collins left Mr. Place's office and went to Mr. Lamoree's.

(Withdrawn.)

1578½. Q. Was Mr. Collins at Mr. Place's office the same day that he was at Mr. Lamoree's office and at your office?—A. On the evening of the same day.

1579. Q. At what time in the day did you first see him?—A. Half past four in the afternoon.

1580. Q. How long after you first saw him that day did you see him at Place's office?—A. About a half an hour.

1581. Q. What caused you to go to the Times office at that time?—A. I went for my paper.

1582. Q. How long after that that you went to Mr. Lamoree's office?—A. On my way to tea, about six o'clock; about an hour after.

1583. Q. What was your business at Mr. Lamoree's office then?—A. This circumstance had indicated to me that this examination was about to begin, and I stopped in there to see when it would begin.

1584. Q. And to see about the contest?—A. Yes.

#### Recross-examination:

1585. Q. Mr. Burchard, can you state definitely the day on which you first saw Collins at Mr. Lamoree's office?—A. I cannot.

1586. Q. When you reached Mr. Lamoree's office, you may state whether he was in the office or not.—A. He was not.

1587. Q. Who was in the office, if any one?—A. I think no one was in the office; Collins stood just outside the door.

1588. Q. Do you mean by that that Collins was outdoors or in the hall of the Arcade Block?—A. In the hall.

1589. Q. Did you learn where Mr. Lamoree was at the time?—A. Trying a cause in Commissioner Getty's office; the doors about 18 inches apart, and the offices adjoin.

1590. Q. Is there any communication from one office to the other except through the hall?—A. There is not.

1591. Q. Do you remember whether the case was that of Daniel L. Wilder?

(Objected to. Notaries differ.)

A. It was.

1592. Q. And did you remain in Mr. Lamoree's office until Mr. Lamoree came in from Mr. Getty's office?—A. I did.

1593. Q. And what became of Collins during that time, if you remember?—A. I think he stepped into your office.

1594. Q. And sat down by the window?—A. I think he did.

1595. Q. And when Mr. Lamoree came in, what transpired between Mr. Lamoree and Mr. Collins tending to show their acquaintance with each other?—A. Nothing.

1596. Q. Did they speak to each other until introduced, or until you called attention to Collins, and stated his name?—A. They did not.

1597. Q. And did Mr. Lamoree then and there inquire the business of Collins?—A. He did.

1598. Q. And upon being informed, what did Mr. Lamoree say?—A. I don't remember the exact words; substantially that he did not know him. I think he called him a striker, or words to that effect, and told him to get out of the office.

1599. Q. And did Mr. Lamoree read from any book on that occasion to Collins, or enter into any conversation with Collins on that occasion, more than you have stated?—A. He did not. The interview was not more than three minutes long, and Mr. Lamoree returned to Getty's office to attend to the Wilder matter.

1600. Q. And did you converse with Collins after Mr. Lamoree had ordered him out of the office?—A. I might have said something to him as I passed him in the hall, but don't remember what.

1601. Q. And did Mr. Lamoree at any time during that interview request Collins to return to his office, or manifest a desire for further conversation with Collins?—A. I didn't hear or notice that he did.

1602. Q. Did you call at Mr. Lamoree's office to see him upon a matter of business after the Wilder case had been closed for the day?—A. I think I did.

1603. Q. And while you were there conversing with Mr. Lamoree, did Collins present himself again at the office?—A. He did.

1604. Q. And did you listen to a conversation then and there between Mr. Lamoree and Mr. Collins?—A. I did.

1605. Q. And did Collins then and there renew his demand for money?—A. Money or its equivalent.

1606. Q. And for the purposes as alleged, to enable him to leave town to avoid being sworn as a witness in behalf of Duffy?—A. Yes.

1607. Q. You may state what response Mr. Lamoree made to such demand, if any.—A. He substantially refused to have any negotiations with him whatever.

1608. Q. And did Collins then and there say to Mr. Lamoree, in substance, that he would like to obtain a loan of money to enable him to leave town?—A. I think he did say it might be fixed in that way, or words to that effect.

1609. Q. And did Mr. Lamoree not say to Collins that he preferred that he should remain and testify to anything he might know in the case, or words to that effect?—A. He did, and repeated it two or three times.

1610. Q. Did Mr. Lamoree in the course of the conversation ask Collins to state what he knew or pretended to know about the case?—A. I don't remember that he was questioned or catechized about the case at all.

1611. Q. How long was Mr. Collins in the office of Mr. Lamoree on that occasion?—A. I think about fifteen minutes.

1612. Q. At the time of the first visit of Collins to Mr. Lamoree's office, did not Mr. Lamoree charge Collins with an attempt to blackmail?—A. Well, yes; he called him a striker or impostor, or words to that effect. I don't remember that those identical terms were used.

1613. Q. Were equivalent words used?

(Objected to; notaries differed.)

A. They were.

1614. Q. Was your position such at this shoe shop of Cornelius Connors, on the night of November 4th, as to enable you to state whether any money was paid to Collins or any one else for election purposes, during your presence in that shop?

(Objected to.)

A. It was.

1615. Q. Now, will you state whether or not Mr. Lamoree paid Collins any money on the night of November 4th, while you and Mr. Lamoree were at Connors' shop?—A. I saw no money paid. I think I was in a position to see it paid, had there been money paid.

1616. Q. Did Mr. Lamoree have a word of conversation with Mr. Collins with reference to his action at the polls November 5th?—A. I don't remember that he did.

1617. Q. Was the conversation at Connors' shop, so far as it related to the election, carried on mainly between you and Cornelius Connors?—A. It was.

1618. Q. During your residence in the city of Oswego, have you acquired any knowledge with reference to intimidation practiced upon voters at the starch factory in this city?—A. I have no knowledge of the fact, and have never believed the rumors I have heard.

1619. Q. And were the first sources of your information upon rumor, predicated upon charges to that effect published in the Oswego Palladium several years ago?—A. I think they were the origin of all these rumors.

1620. Q. And about the same time, and in answer to such publication, did not a large number of workmen at the Oswego Starch Factory, of well known Democratic predilections, sign a paper denying the truthfulness of the charges published, and cause the same to be published in the city papers of Oswego?—A. I don't remember that circumstance.

1621. Q. Did you hear any rumors, however slight, with reference to intimidation of persons employed at the Oswego Starch Factory touching last fall's election, until after these charges had been preferred and publicly announced?—A. These rumors always exist in every election. They have been common street talk. I don't remember that I did, as pertaining to last fall's election.

Second redirect examination:

1622. Q. Do you now say that you did not hear any rumors last fall about the intimidation of voters at the Oswego Starch Factory?—A. I don't remember that I did, specifically.

1623. Q. Will you swear positively that you did not hear such rumors at the last election, or pending it, or during the campaign?—A. I have answered all the questions I propose to on that subject.

1624. Q. Did you go into Getty's office for Mr. Lamoree on the occasion spoken of by you that Mr. Collins was at Lamoree's office?—A. I opened the door and called him to it.

1625. Q. What was your business with Mr. Lamoree the second time?—A. It was entirely of a private nature and foreign to this subject.

1626. Q. Did you meet Charles Doolittle or any one else there besides Collins?—A. I did not; except Collins.

Second recross-examination:

1627. Q. At the time you were at the Times office, on the day that Collins first came to your office, did you hear John A. Place advise Collins to go and see Mr. Lamoree, as he was Mr. Mason's attorney?—A. Don't think he advised him. He merely stated Mr. Lamoree was Mr. Mason's attorney, and Mr. Place knew nothing about the matter.

S. B. BURCHARD.

Sworn and subscribed before us.

WILLIAM W. GIVEN,  
Notary Public.  
S. M. COON,  
Notary Public.

*Deposition of Nicholas Sands.*

NICHOLAS SANDS, being duly sworn, deposes and says:

1628. Question. What is your name, age, residence, and occupation?—Answer. My age is about forty-three years; name, Nicholas Sands; residence, 168 West Fifth street, Oswego City; occupation, grocer.

1629. Q. What ward do you reside in?—A. Fifth ward, it was formerly the third before it was divided.

1630 Q. Were you in the city of Oswego for the week prior to and on the day of last election?—A. I was.

1631. Q. How far do you reside from the fifth ward polls?—A. Maybe 100 or 150 feet, maybe 200, hardly that.

1632. Q. Are you acquainted with and do you know what Republicans were about the fifth ward polls, managing the same; if so, state their names.—A. Mr. James Sharpe, Mr. James or John Brandt; I think Daniel Mahoney also. I don't exactly know who the rest of them were.

1633. Q. Do you know Mr. J. B. Alexander?—A. I do.

1634. Q. Do you know what his politics are?—A. I do not.

1635. Q. Do you know personally of any money or other consideration being used for the election of Joseph Mason for member of Congress, on that day in that ward?—A. I do not personally.

1636. Q. Do you know the occupation or business of the men named by you as being at the polls?—A. I do. They are working at the starch factory.

1637. Q. Have you received any information, or have you been informed, or have you learned of the use of money or other means at the last general election, held in the city of Oswego, in the fifth ward thereof, for the purpose of inducing voters to vote the Republican ticket, and for Joseph Mason for member of Congress, in the twenty-fourth district, at or prior to the time of such election?—A. I heard a rumor that Mr. J. B. Alexander had money there. That's all I know about it.

1638. Q. Did you hear or did you learn of any particular person or



persons who had received money prior to or on election day from Mr. J. B. Alexander?—A. I have not.

1639. Q. State fully and at length what the rumors were about the use of money by Mr. Alexander or any other person in the interest of the Republican ticket and Joseph Mason, and who the persons were who had received the money?

(Objected to; should be confined to matters relating to the election of member of Congress; 2d, it only calls for hearsay, and is incompetent and immaterial.)

A. I heard it was rumored in the interest of Mr. Mason.

1640. Q. What was it you heard said, and the name of the parties?—A. I can't name any parties.

1641. Q. Was it not generally reported, understood, and believed on election day, at the fifth ward polls, that quite a number of Greenback and Democratic voters had been bought up in the interest of Mr. Mason? (Objected to.)

A. I don't know; I can't say; I did not believe them.

1642. Q. Were these rumors of the use of money by Mr. Alexander on and before the day of election quite numerous?—A. I hadn't heard it until election day. It was by a lot of young fellows that I did not pay much attention to, in the store, on that day.

1643. Q. Were the young fellows that you heard talking about that, voters?—A. I suppose some were voters and some not.

1644. Q. Can you now give the names of any of the young fellows that were voters that you heard?—A. I can't say; things were too much mixed up. I didn't keep any track of them. No, sir; I cannot. I was busy that day.

Cross-examination:

1645. Q. I understand you to say that you have no personal knowledge of money or any other influence having been brought to bear to affect the election on election day or prior thereto?—A. I have not.

1646. Q. I understand you further to say that you heard of no rumors with reference to money or other influences having been brought to bear upon the electors of the fifth ward, with a view to affect the result of the election November 5, to which rumors you gave any credit or belief?—A. I have not.

1647. Q. And you have resided in that ward how many years?—A. Twenty-seven.

1648. Q. And have you represented that ward in the common council of the city of Oswego?—A. I have.

1648½. Q. And how long?—A. Two years.

1649. Q. What reasons have you for not crediting the rumors of which you speak?—A. Well, there are a great many such rumors going around, so that I did not pay any attention to it.

1650. Q. But you saw no evidences of improper influences at the polls?—A. No. I was not at the polls.

1651. Q. Or in your ward?—A. I do not know anything about it.

1652. Q. Was not one of the causes which led you to discredit these rumors the fact that idle rumors, similar to those to which you refer, have repeatedly been set afloat on former occasions when you afterwards had reason to believe there was nothing in them?

(Objected to as incompetent and improper.)

A. Generally the case on all elections.

1653. Q. Are you personally acquainted with J. B. Alexander?—A. No, sir.

1654. Q. Was not another cause which led you to discredit the rumors to which you refer the fact that they came from young fellows comparatively unworthy of credit?—A. No; I would not say that. Both kinds of persons were connected with that.

1655. Q. Now, did you not hear rumors also to the effect that money was being used to influence the result of the election by John Gardenier?

(Objected to, 1st, as incompetent and not material to the issue between Mr. Duffy and Mason; 2d, there being no contest as between Mr. Gardenier and Mr. Duffy; 3d, that the class of testimony called for properly belongs to the contestee's reply, and should not be taken till they begin their defense; and, 4th, that the acts of Gardenier can't come in to affect Duffy. Notaries differ.)

A. I have not. I did not pay any attention to it.

1656. Q. Did you hear no one, and have you at no time since the election heard no one say that John Gardenier used money?

(Same objection.)

A. Not any person that I paid any attention to.

1657. Q. Have you not heard John Gardenier himself say that he used money to affect the result of the election?—A. I have not.

1658. Q. Do you sell intoxicating liquors?

(Objected to because it is immaterial whether he sells intoxicating liquors or not; and not bound to testify to anything that tends to criminate himself.)

A. I do.

1659. Q. Was there money left at your bar or on your premises by any person, before or since the election, to be used in the interest of any candidate or political party in the purchase of strong or spirituous liquors to be dealt out to any elector within your ward or elsewhere in behalf of any party or candidate?

(Counsel for contestant objects to that part of the question calling for the selling or giving of liquors after the election. Notaries differ; Coon for admission.)

A. No, sir.

1660. Q. Did these persons from whom you received the rumors with reference to Mr. Alexander having money pretend to say what Mr. Alexander was doing with it?—A. I did not hear them say what he was doing with it.

Redirect examination:

1661. Q. Since the election, have you heard that money was used by Mr. Alexander or other persons to influence the election by paying money to voters before or on the day of election?—A. Not since election; I have not.

Recross-examination:

1662. Q. Are you a life-long Democrat?—A. Principally; generally help the best men. I voted for Mr. Chase and Mr. Sloan at the last election, and done my best to get them elected.

1663. Q. Have you any reason to believe that votes were either bought, sold, or corruptly influenced by either party within your ward on the 5th day of November last?—A. I have not.

Second redirect examination:

1664. Q. Are not Chase and Sloan Republicans?—A. They were on the Republican ticket.

NICHOLAS SANDS.

Subscribed and sworn to before us.

W. W. GREEN, *Notary Public*.

S. M. COON, *Notary Public*.

*Deposition of Sylvester Murray.*

SYLVESTER MURRAY, being duly sworn, deposes and says:

1665. Question. Your age, residence, and occupation?—Answer. I am something over sixty years old; reside in the city of Oswego, sixth ward, Utica street, between 10th and 11th; I deal in buying rope, junk, rags, &c., and am what they call a junk dealer.

1666. Q. How long have you resided in Oswego City?—A. I came in in 1840.

1667. Q. Where is your place of business?—A. East First street, between Cayuga and Seneca streets.

1668. Q. Are you acquainted with one Cornelius Connors, and how long have you known him?—A. I am; have known him since he came to Oswego, some nine or ten years, maybe longer than that.

1669. Q. Do you know where his place of business is?—A. Yes, sir.

1670. Q. What business is he engaged in?—A. Keeps a shoeshop; works at shoe-making.

1671. Q. Is he a saloon-keeper, and does he keep a saloon at his shoeshop?—A. No, sir; not now he don't.

1672. Q. Did he keep a saloon in November last?—A. No, sir.

1673. Q. Do you and Mr. Connors occupy rooms, as places of business, adjoining one another and under the same roof?—A. We do, sir.

1674. Q. How are your respective places of business separated?—A. By boards nailed up between the two shops; a kind of a partition made by boards.

1675. Q. Is it a thin or thick partition between you?—A. The boards are an inch or an inch and a quarter boards.

1676. Q. Are there any spaces left between these boards by shrinkage or otherwise?—A. There may be some cracks that you could see through.

1677. Q. Can you hear conversations taking place in Mr. Connors' apartment?—A. You could if in an ordinary tone of conversation.

1678. Q. Do you know where Mr. Connors now is?—A. I do not.

1679. Q. How long has it been since you have seen him?—A. I haven't seen him, I think, since the sixth of this month.

1680. Q. Prior to the time or about the time that you last saw him, did you have any conversation with him about his going away; and, if so, did he state why he was going, and what induced him to go away?

(Objected to as immaterial, incompetent, and does not affect the issues.

Contestant's counsel says: I offer to show it for the purpose of showing that he received from Mr. Burchard and Mr. Lamoree a compensation for his political influence and vote on the day of election; and further, that about the time this contest was to commence, that he was hired to and induced to leave the city of Oswego to avoid the service of subpoena in this matter by the payment of money and promise of reward by the contestee's counsel, Mr. Lamoree.

Notaries disagree.)

A. The last time I saw him, in my shop, he said that he thought he would have to be subpoenaed before this court here. He had a talk with Mr. Lamoree, he said; he says to Mr. Lamoree, "What am I to do in this case?" Mr. Lamoree told him it would be a fine, if he did not appear, of \$20 or \$25 or imprisonment. He told Mr. Lamoree, if he should appear here he would have to tell the truth, and Mr. Lamoree told him, if he should be subpoenaed, to keep out of the way and he would see that it was all right. He thought Mr. Lamoree was a good man, and he would do what he told him. That was all the conversation that day.

1681. Q. Did you have any further conversation with him before that about getting money?—A. I had, before that, about getting money.

1682. Q. Do you know personally of any money or any other consideration being used for the election of Joseph Mason to Congress, and the election of the Republican ticket in the city of Oswego, on the day of election last past?—A. I do not.

1683. Q. Have you received any information or have you been informed or have you learned of the use of money or other means at the last general election in the city of Oswego, for the purpose of inducing voters to vote for Joseph Mason for member of Congress in the twenty-fourth district, and for the Republican ticket, at or prior to the time of such election or since such election?—A. I have no knowledge except what I got from Connors about what money was got.

1684. Q. Have you been informed by Mr. Connors that money was paid or got from Mr. Lamoree?

(Objected to as immaterial and incompetent and hearsay. Notaries disagree as to materiality only; W. W. Green thinks the question is material.)

A. I have been so informed.

1685. Q. When was you so informed?—A. The day of the election.

1686. Q. State what Mr. Connors said to you on the day of election about having received money, and give the same in detail.

(Objected to as before.)

A. He asked me if I would go and vote for Mr. Mason. I told him no. He said he got seven dollars and fifty cents in money—two dollars and fifty cents for his day's pay and five dollars he had to use for Mr. Mason. I think that is all the conversation we had about money. He said he got the five dollars from Mr. Lamoree. I couldn't swear to where he said he got the two dollars and a half from.

1687. Q. Where did this conversation take place?—A. Somewhere during the day; couldn't say whether in the shop or in the street.

1688. Q. Did he or did he not exhibit the money to you?

(Objected to, same reason.)

A. No, sir; he did not.

1689. Q. Did you see him spend any money on election day? And, if so, state whether or not he stated where he had received the money to spend, and for what purpose.

(Objected to as above. Green held, on the question of materiality only, that it is material.)

A. I see him spend about twenty or thirty cents only. He said he could afford to treat out of what money he got, and we would go and have a drink out of it.

1690. Q. Do you know Mr. Lamoree and Mr. S. B. Burchard?—A. Yes, sir.

1691. Q. Did you see either or both of them at Mr. Connors' shop at any time before the election?—A. I didn't see them at any time in Connors' shop.

1692. Q. Did you see either or both of them near or about Connors' shop before the election?—A. I see Mr. Lamoree outside of Connors' shop; I couldn't say how long before the election.

1693. Q. In the day or night time?—A. I couldn't say; paid no attention to it; think it was in the day-time.

1694. Q. Have you seen Mr. Lamoree in or about the shop of Mr. Connors since the election; and, if so, when?—A. I did not, sir.

1695. Q. Were you at your place of business during the evening and night preceding the election of last fall?—A. I was not there steady, all the time; I was on and off.

1696. Q. Do you know what Mr. Connors' politics was prior to the last election? If so, state the same.—A. That I couldn't swear to.

1997. Q. Do you know his place of residence?—A. I do.

1698. Q. Where?—A. He resides back of his workshop, and there is a passage leading from his shop to his house of about fifty or sixty feet.

1699. Q. Have you had any further conversation with Mr. Connors relative to his receiving money, and about his going away, other than you have stated?—A. Not any.

Cross-examination by contestee's counsel:

1700. Q. How long have you resided next to Connors', or done business there?—A. It will be six years the 25th of March next.

1701. Q. And how many years have you been personally acquainted with Connors?—A. I have been acquainted nine or ten years; since he lived in the city.

1702. Q. Is he is an Irishman by birth?—A. Yes, sir.

1703. Q. And are you another?—A. Yes, sir.

1704. Q. And during this time have you been intimately acquainted with him?—A. Yes, sir, I have; every day while there.

1705. Q. And you say now that you don't know what Connors' politics have been?—A. I do not; may belong to one party to-day and another to-morrow.

1706. Q. What you mean to say is that there is no stability or certainty about his politics?—A. I could not say what his politics is; he may be in one party to-day and another to-morrow.

1707. Q. Have you usually voted together and at the same polls?—A. I don't think we have.

1708. Q. Have you often talked together upon political subjects in years past?—A. We may have on election day.

1709. Q. Do you profess to know at this time how Connors has ever voted; and, if so, when and how?—A. I don't know what he voted, because I never was at the polls, and know nothing about it except what he told me.

1710. Q. And why could you not swear to it when he told you?—A. Because I did not see him vote.

1711. Q. Do you feel that you cannot safely depend upon what he tells you?—A. Yes, sir; I would depend on him in some things he would tell me. If I wanted a favor of him and he told me he would do it, I would depend on him to do it.

1712. Q. Upon what things would you not depend on him?—A. I would depend on him most for any favor I would ask him, except on election day.

1713. Q. I ask you now if there is anything upon which you would not believe his word?—A. I would believe his word.

1714. Q. Do you mean to charge that Connors is a man who would sell his vote?—A. I believe, sir, he would vote for the man who would give him the most money.

1715. Q. And would you give full credit to a man of that character, who would sell his vote to the highest bidder?—A. I would, if he needed the money bad. If I would give him money and pay him to vote, and he should vote contrary, I wouldn't give credit; no, sir, I would not.

1716. Q. Now, sir, did you ever receive a compensation for your services on election day?

(Objected to as incompetent and improper, and not material to the issue between Duffy and Mason. 2d. Witness cannot be compelled to incriminate himself.)

A. I got some money some 14 or 15 years ago.

1717. Q. Do you know, sir, whether you got it for your vote or not ?—A. I know I did not get it to buy my vote.

1718. Q. Now, what did you get it for ?—A. I suppose to spend it around on election day.

1719. Q. And did you so spend it ?—A. I spent the biggest part of it, I think.

1720. Q. Now, sir, from whom did you receive it ?—A. Charles Hinkley.

1721. Q. Did you ever receive any money for your services or your vote at any other time ?—A. I did not.

1722. Q. Do you believe yourself to be a more credible man now than when you took the money ? Do you regard yourself as more reliable and honest now than when you took the money ?—A. I am as honest now as when I took it, and as honest then as now.

1723. Q. Did you see Mr. Lamoree at Connors' shop within one month of the election in November last ?—A. I wouldn't swear to that. I have seen you there ; couldn't swear positively what time.

1724. Q. Will you swear that it was within six months ?—A. I couldn't swear to that. It might be a day before. It may be six months.

1725. Q. Did you know of Connors interesting himself in behalf of a boy that was sent to the house of refuge about one year ago ?—A. I heard him talk something to that effect.

1726. Q. Now, sir, did not Connors, on the occasion to which you refer, call to Mr. Lamoree as he was passing and for the purpose of making inquiry in reference to that boy ?—A. I don't know, sir.

1727. Q. And was it not in the early spring of 1878 that you saw Mr. Lamoree there ?—A. I said I couldn't tell.

1728. Q. Is not that the best of your judgment ?—A. It is not.

1729. Q. Have you any recollection as to the time ?—A. I cannot swear positively.

1730. Q. At the time you saw Lamoree, did you see Connors ?—A. To the best recollection I did ; and I think that Connors came out of the shop and that you talked with him, or that you went into the shop.

1731. Q. Did not Connors come part way across the railroad track, the old railroad bed, and call to Lamoree ?—A. I have no recollection of that.

1732. Q. Will you swear that he did not ?—A. I will swear I have no knowledge of it, and no recollection that he did not.

1733. Q. How long did Mr. Lamoree remain there ?—A. I couldn't say, sir.

1734. Q. Have you no recollection on that subject ?—A. I have not, sir.

1735. Q. How near does the walk come to the front door ?—A. The sidewalk comes right to the door.

1736. Q. Did you see Mr. Lamoree leave the sidewalk on that occasion ?—A. Well, I wouldn't swear I saw you leave the sidewalk.

1737. Q. Will you swear positively that you ever saw Mr. Lamoree at Connors' shop ?—A. I will swear positively that I saw you outside of the shop on the sidewalk.

1738. Q. And is that shop upon one of the principal streets of the city ?—A. It was on First street. I should say it was one of the principal streets.

1739. Q. Do you now know which ticket Judge Mason ran upon ?—A. Best of my opinion he ran on the Republican ticket.

1740. Q. Do you mean to say you never saw any of Judge Mason's tickets ?—A. I think I never did, sir.

1741. Q. Then you did not see Connors vote one of them ?—A. No, sir ; I did not.

1742. Q. And did you ever hear him say afterwards how he voted?—A. Yes, sir; he said he voted for Judge Mason.

1743. Q. And when did he tell you that?—A. I think it was on election day.

1744. Q. And why did you not vote for Judge Mason?—A. I did not vote at all that day. I did not go near the polls.

1745. Q. And why did you not vote that day?

(Objected to. Notaries disagree; S. M. Coon for admission.)

A. I had friends belonging to both parties, and if I went to the polls they would expect me one to go one way and one the other, and I thought the safest way was for me to stay away altogether.

1746. Q. Then you had no desires of your own on the subject of casting your vote?—A. I had not.

1747. Q. And were you visited during the day and asked to vote?—A. I have no recollection of it that I was.

1748. Q. And how far did you live from the polls?—A. About or pretty near a half a mile.

1749. Q. Where did you meet Connors on election day?—A. I met him first on the sidewalk in front of his shop.

1750. Q. And how far was that from the polls?—A. That would be a quarter of a mile; not quite that.

1751. Q. How many times did you see Connors around his shop on the day of election?—A. Saw him several times.

1752. Q. What was he doing there?—A. I think he was driving pegs in the morning part of the day till he got ready to go to the polls.

1753. Q. And what time in the morning did he get ready to go to the polls?—A. Somewhere about 9 o'clock, I should think.

1754. Q. And you could not swear he went to the polls before 12 o'clock?—A. I could not, sir.

1755. Q. Will you swear he was not working in the shop until near noon the November election day?—A. I could not swear positively to that.

1756. Q. Who did you see sell him liquor the day of election?—A. I could not swear positively to that.

1757. Q. In what ward?—A. I couldn't swear to that.

1758. Q. Have you any recollection of who drank with you besides Connors and you?—A. I have not, sir.

1759. Q. Will you swear now that you did not drink out of a bottle in the shop on that day?—A. I wouldn't swear to that.

1760. Q. Will you swear you drank at any other place than the shop?—A. We did, sir.

1761. Q. What time in the day?—A. That I could not tell.

1762. Q. How many times did you see Connors through the day?—A. I saw him several times; could not tell how many.

1763. Q. Did you see him in the shop in the afternoon?—A. That I could not swear to.

1764. Q. Where were you?—A. I was all over; it would be pretty hard to keep track of me that day.

1765. Q. Where do you now remember of going?—A. I remember going home to my dinner.

1766. Q. Where from?—A. From the shop, I suppose.

1767. Q. Did you spend your day at the shop mainly?—A. No, sir.

1768. Q. Do you know of Connors being absent from the shop any considerable portion of the day?—A. Yes, sir; he was, in the afternoon.

1769. Q. Were you at the shop most of the afternoon?—A. I was not, sir.

1770. Q. Did you observe his shop most of the afternoon?—A. I did not, sir.

1771. Q. How can you swear, then, that Connors was out of the shop most of the afternoon?—A. I couldn't swear how long he was out of the shop.

1772. Q. Can you swear he was out of the shop one hour?—A. Best of my knowledge, he was.

1773. Q. What is the best of your knowledge?—A. I saw him come to the shop and go from the shop, I think, in the fore and after noon.

1774. Q. Will you swear to his being absent half an hour in the forenoon?—A. I will not.

1775. Q. What time in the afternoon did you see him leave the shop, as near as you can state?—A. I should think about 2 o'clock.

1776. Q. And do you know how long he was gone?—A. I couldn't tell that; I didn't spend much time in the shop.

1777. Q. Did you see him when he returned?—A. I don't recollect what time; I didn't see him when he returned.

1778. Q. Do you know that you saw him at all when he returned?—A. I think I did see him more than once.

1779. Q. What time did you see him return on the first occasion?—A. I couldn't tell you.

1780. Q. Will you swear that he was absent more than half an hour between his going out and coming, in the first time after dinner?—A. I couldn't swear to it.

1781. Q. Can you swear that he did not remain there for the space of two hours?—A. I cannot.

1782. Q. What time in the afternoon, to the best of your judgment, did Connors leave the shop the second time?—A. I couldn't swear.

1783. Q. Can you swear that he went away the second time before supper?—A. I couldn't say.

1784. Q. What do you know of Connors' doing at the shop at such times as he was there? What was he engaged about?—A. I didn't know of his doing anything in the afternoon in the shop.

1785. Q. Can you swear that he did not spend all the time while at the shop engaged in shoemaking?—A. I could not swear that.

1786. Q. How many times did you drink with him?—A. I don't recollect to drink but once.

1787. Q. What did you drink?—A. I think that I drank a glass of whisky.

1788. Q. What did he drink?—A. He drank the same.

1789. Q. And what did those two glasses of whisky cost?—A. Twenty cents.

1790. Q. Did he pay any more for them?—A. I don't think he did.

1791. Q. Then why did you say on your direct examination that Connors spent twenty or thirty cents?—A. I have no recollection of any but the twenty cents; there may be thirty, but I have no recollection.

1792. Q. Now, did you not know that it was but twenty?—A. I had no recollection of but twenty.

1793. Q. How came you to put on the thirty?—A. I thought a third person might be there.

1794. Q. Was there not another person present when he invited you to go to drink?—A. I have no recollection of but two of us. I wouldn't swear positively; there might be three.

1795. Q. Did you not take that whisky with Connors at McDowell's saloon?—A. I am not positive; best opinion, not.



1796. Q. Have you any best opinion about it?—A. My opinion is that we did not take it so near the shop.

1797. Q. Were you in at McDowell's election-day?—A. I couldn't swear that I was.

1798. Q. Who spoke first about having some whisky?—A. Connors.

1799. Q. What did he say?—A. He said he got some money to spend, and we best have a drink out of it.

1800. Q. Did he say anything else at that time?—A. He asked me if I'd vote for Mason.

1801. Q. Anything else at that time?—A. He said I would be doing him a great favor to go for Mason. I don't remember anything else at that time.

1802. Q. Did you have any other conversation with him on the day of election; and, if so, when and where?—A. I don't remember to have had any other.

1803. Q. Did you have any conversation with Connors on any other subject that day?—A. I don't remember to have had.

1804. Q. Now, sir, was there anything said on election-day as to where and from whom Connors had received two dollars and fifty cents?—A. I have no recollection of that.

1805. Q. Have you ever talked this matter over with any one before taking the stand?—A. I have, sir.

1806. Q. With whom have you talked them over?—A. I think I talked them with Mr. Baker here.

1807. Q. Is he the only person?—A. No, sir.

1808. Q. State all the persons with whom you have talked on the subject of the testimony.—A. Mr. Millis, who keeps the wood-yard; no recollection of others; don't know how much I talked with Millis.

1809. Q. Where did you have any conversation with Millis?—A. I think I talked that subject in at Mrs. Peter McCanna's.

1810. Q. You may state any other place you talked it over.—A. I may have talked at other places, but don't remember them now.

1811. Q. In which of the three places named did you first talk it over?—A. I don't remember.

1812. Q. Did you ever talk the matter over with any one until within the past ten days?—A. I don't think I have.

1813. Q. Have you ever told any one with reference to Connors' obtaining money from Mr. Lamoree for election purposes, until within the last week?—A. I don't remember I have until Connors left.

1814. Q. To whom did you then first disclose that fact?—A. Talked it to Millis; I may have talked it to others before, but don't remember.

1815. Q. Where did the conversation with Millis take place?—A. At Mrs. McCanna's store.

1816. Q. Who commenced the conversation there?—A. I suppose I did.

1817. Q. Have you any doubt about it?—A. I have not.

1818. Q. Who was present?—A. I can't state.

1819. Q. State such as you can remember.—A. I don't recollect anybody except Mr. Millis that I can remember now.

1820. Q. You may state what you told Millis.—A. I told him Connors said he got \$5 from you the day before election to vote for Mason.

1821. Q. Before that had Millis said anything in reference to this contest?—A. I believe Millis said if he could be paid \$50 that he could tell where Connors was.

1822. Q. What else did Millis say before you told him about the money?—A. I don't remember he said anything before that.

1823. Q. What did you say before?—A. I told him I supposed Connors got his pay for going away.

1824. Q. Anything else that you said before telling about the money?—A. I don't recollect anything.

1825. Q. You may give anything more that you told Millis.—A. I have no recollection, but I said he must be paid for leaving town or he would not go away and leave his shop.

1826. Q. And did Millis ask you what you supposed was the cause of his going away, or words to that effect?—A. I have no recollection what we did say. We talked a good deal.

1827. Q. And you can give no portion of it?—A. I gave what I could remember. Millis said but little. I did the most of the talking.

1828. Q. Now, why can't you give what Millis said, if he said but little?—A. What I recollect I gave it to you.

1829. Q. Have you given all Millis said on that occasion before you told him about Connors' conversation?—A. All that I remember.

1830. Q. Do you pretend to say that you have given it all?—A. I do not, sir.

1831. Q. Do you say, sir, that you can't remember all the conversation with Millis that took place not over a week ago?—A. I don't think I remember it all.

1832. Q. Can you remember a conversation that took place last fall with any greater accuracy than one that took place last week?—A. I don't think I could.

1833. Q. Do you pretend at this time that you can give the precise language of Connors that took place last fall?—A. I think I could as to the money affairs.

1834. Q. And can you not also as to the other conversations with Connors?—A. There may be conversations that I cannot remember; that I did not take any interest in.

1835. Q. Did you see any evidences of Connors' having received money to be used on election-day, except the fact that he treated you to a glass of whisky and paid for it?—A. I have not, sir.

1836. Q. Then you did not see him peddle votes or distribute votes on election-day, except to ask you to vote for Mason?—A. I have not, sir.

1837. Q. And did he then offer you a Mason vote?—A. That I couldn't swear to.

1838. Q. Did you see Connors have a Mason vote at any time during election-day?—A. That I couldn't swear to.

1839. Q. That you did not?—A. I have no recollection of seeing any.

1840. Q. Did you see or hear or know of Connors' soliciting votes for Mason from any other person than yourself?—A. I have no recollection of it.

1841. Q. When and where did the conversation in relation to the money had between Connors and yourself take place?—A. On election-day. It was in the shop, or outside in the street in front of the shop; I couldn't tell which.

1842. Q. Did you have any other conversation about the money, except on that occasion?—A. I did not.

1843. Q. Did you make any memorandum of what Connors said?—A. I have not.

1844. Q. State the precise language employed by Connors.—A. Connors commenced it. He said he got \$7.50. He got \$5 for to spend on Mason's election; \$2.50 for his day's pay for his labor that day for working. He got \$5 from Mr. Lamoree, and he should work for him. He didn't care what anybody said at the polls, he should work for him.

1845. Q. Did he say that was the bargain between him and Lamoree? Did he say he promised to work for that?—A. He said he got \$5 from Mr. Lamoree, and he would work for him.

1846. Q. And he didn't care what people said?—A. Yes, sir.

1847. Q. Did he say that he should work for Lamoree because Lamoree had given him the money?—A. He said he would work for Mason. Lamoree gave him the money to work for Mr. Mason.

1848. Q. Did he say what work it was that he had agreed to do in consideration for the money?—A. He did not further than I have told you, but he would work for Mason.

1849. Q. Did you understand that the work that he was to do was to work for Mr. Mason at the polls on election-day?—A. I so understood; I did, sir.

1850. Q. Did you understand from the conversation that Connors was to render any other consideration for the money which he had received?—A. I did not, sir.

1851. Q. Did Connors say anything with reference to selling his own vote or purchasing votes from others?—A. I didn't hear him say any such thing.

1852. Q. Did you say anything to him with reference to his keeping himself from the polls and spending his time about his own business?—A. I did not, sir.

1853. Q. Was Connors drunk or sober at the time that he treated you?—A. I take him to be sober, sir.

1854. Q. You may fix the hour on which you drank the liquor with him, to the best of your ability.—A. To the best of my recollection, it was in the forenoon.

1855. Q. And did Connors remain sober, so far as you observed, that day?—A. As far as I have seen, he was sober.

1856. Q. From his appearance, can you state whether Connors was the worse for liquor or not when you last saw him that day?—A. When I last saw him he appeared to be sober. I did not see him late in the day.

1857. Q. Did he say anything with reference to any portion of the money paid him having been so paid that he might use it in the purchase of whisky, except what he said to you about taking a drink out of it, or words to that effect?—A. I don't remember any conversation to that effect from him.

1858. Q. And so far as you know, or have reason to believe, did not Connors appropriate all the money which he received to his own use, unless it be the 20 cents which you saw him spend?

(Objected to, that it is not material to the issue.)

A. As far as I know I couldn't say what he did with money. I have no knowledge or belief as to how he distributed the money except the 20 or 30 cents.

1859. Q. Do you know or believe that he distributed it all?—A. I believe he distributed some at the polls; but I have no knowledge of it.

1860. Q. Did you see or know anything which led you to that belief?—A. I did not.

1861. Q. How came you, then, to have such a belief?—A. I believe he could not help but spend it if he was around the polls.

1862. Q. Do you mean to say by that that Connors, in your opinion, criminated himself by buying votes?

(Objected to.)

A. I do not.

Adjourned to Monday, 17th, at 9 a. m.

H. Mis. 23—7

Cross-examination of Sylvester Marcy resumed :

1863. Q. Have you any idea or any personal knowledge with reference to what Connors did with the \$5 except for the payment for the drinks?—A. I have not.

1864. Q. Have you any knowledge as to how he used the \$5, if he used it at all, except as you have stated?—A. I have not.

1865. Q. Have you any idea or any personal knowledge as to how he used it or any portion of it?—A. I have not, except as I have stated.

1866. Q. Had you drank with Connors on former occasions?—A. I have.

1867. Q. And for how many years have you been occasionally to drink with him?

(Objected to. Coon holds it legitimate. Notaries differ.)

A. I have drunk with him occasionally seven or eight years.

Cross-examination :

1868. Q. And did you think it anything strange that he should ask you to drink with him on that occasion?—A. I should think that there was not.

1869. Q. You did not at the time believe that Connors undertook to influence your vote by asking you to drink with him?—A. If I should say, I should say I think it was political.

1870. Q. What grounds have you for saying that it was political except that it was on election day?—A. My reason to believe it was that he said he got some money and that he could afford to spend some of it.

1871. Q. Have you any other reason?—A. I have not, sir.

1872. Q. Was it before or after you drank that he asked you to vote for Mason?—A. To the best of my knowledge, it was before he asked me to drink.

1873. Q. And you told him before at that time that you would not vote for either side?—A. I told him I shouldn't go to the polls.

1874. Q. And after you drank with him did he say anything more about your voting that you remember of?—A. That I couldn't say. I have no knowledge as to that.

1875. Q. You mean by that that you have no present recollection of his having said that?—A. I have not, sir.

1876. Q. Have you usually voted the Republican ticket?—A. I have, sir.

1877. Q. And for how many years have you voted the Republican ticket?—A. Probably 28 or 29 years. Sometimes I split my ticket.

1878. Q. Now, what influence caused you to withhold your vote at that time last fall?—A. I had friends on both sides, and I didn't want to vote for one against the other.

1879. Q. Who were those friends on the Democratic side?—A. I don't know that I could answer that question, there are so many of them.

1880. Q. You may name one.—A. If I went to the polls I should think I should vote for Mr. Higgins for one, Democratic candidate for recorder.

1881. Q. Was there any other person running on the Democratic ticket that you should have supported?—A. I cannot swear to that question.

1882. Q. Then you don't know any other now that you would have supported on the Democratic ticket?—A. If I had gone to the polls I might have been influenced to vote for more.

1883. Q. Do you mean that you might have been influenced to vote for other Democrats on the ticket?—A. I do, sir.

1884. Q. Aside from these influences you would vote the Republican ticket, would you not?—A. Yes, sir.

1885. Q. Had you promised any one that you would keep away from the polls and not vote the Republican ticket?—A. I had not.

1886. Q. Did Connors say what ward he had been employed to work in?—A. I have no recollection of it.

1887. Q. How far was it from Connors's residence to the polls in his ward?—A. It may be not quite a quarter of a mile, I should think not far from that.

1888. Q. Can you swear that Connors was at the polls at all that day?—A. I would not swear to that, sir.

1889. Q. Did you see any person at Connors's residence or shop for political purposes on election day?—A. I couldn't swear that I did.

1890. Q. Did Connors tell you from which side he received two dollars and fifty cents?—A. I have no recollection about that.

1891. Q. Then you don't know but he received the two dollars and fifty cents from Duffy's friends?—A. I can't say, sir.

1892. Q. Don't you know of Connors's advocating the election of both Higgins and Gardiner on the Democratic ticket?—A. I heard him say he would vote for Mr. Higgins.

1893. Q. And did he say he would work for Mr. Higgins?—A. I heard him say he voted for him. I have no recollection of his saying he worked for him.

1894. Q. Do you know which money he treated you out of, the five dollars or the two dollars and a half?—A. I cannot swear it was out of either.

1895. Q. Did he tell you out of either?—A. I don't recollect he did.

1896. Q. Did Connors, on election day, offer to pay you anything for your vote?—A. He did not, sir.

1897. Q. What time in the day do you claim you had the conversation with Connors about going away?—A. It was in the forenoon.

1898. Q. About what time in the forenoon?—A. I should think somewhere about 9 o'clock in the morning. It was at the time he first started up the fire.

1899. Q. Are you positive it was before ten o'clock?—A. Best of my judgment it was about nine o'clock.

1900. Q. Did you see Connors again that day?—A. I have no recollection of seeing him after that.

1901. Q. Do you say that he told you on that occasion that he went to advise with Mr. Lamoree?—A. He said he talked to Mr. Lamoree to see what he had best do about it if he got subpoenaed.

1902. Q. Tell all that he said with reference to his object in going to see Lamoree.—A. He wanted to know what the penalty would be if he got subpoenaed and did not appear.

1903. Q. Then you understood that he went to Lamoree for legal advice?

1904. Q. And did he tell you that Mr. Lamoree advised him, with reference to what the law was, or words to that effect?—A. Yes, sir.

1905. Q. Did he in that conversation tell you that Mr. Lamoree advised him that he had a right to keep out of the way and not be subpoenaed, or words to that effect?—A. He did, after he told him what the penalty would be.

1906. Q. Did he say in that conversation whether or not he had asked Mr. Lamoree what the penalty would be if he did keep out of the way, and if he had a right to keep out of the way?—A. He did; if he should get subpoenaed.

1907. Q. Did you understand from the conversation when it was that Connors went to consult with Lamoree?—A. I did not.

1908. Q. Nothing said about going to his office?—A. He talked about being at your office.

1909. Q. And you mean that he spoke about having been at Mr. Lamoree's office.—A. Yes, sir.

1910. Q. And did you understand from the conversation how long before that he had been to Mr. Lamoree's office?—A. I did not, sir.

1911. Q. Did he say anything in the conversation with reference to his intention of going to Lamoree again after his conversation with you?—A. I don't recollect he did.

1912. Q. Did you understand from the conversation that Connors had been at that time subpoenaed?—A. I understood that he had not.

Redirect examination :

1913. Q. Did you understand from Connors's conversation that Mr. Lamoree did not want him to be subpoenaed or testify in this matter?

(Objected to.)

A. I did, sir.

1914. Q. Who, if any one, did you see at Connors's shop on election day?—A. I have no recollection of any one but himself.

1915. Q. And do you know all the places that he visited and the persons that he talked to on that day?—A. I do not.

1916. Q. Have you not been in the habit of voting the Democratic ticket for several years past?—A. I have not.

1917. Q. Prior to election day have you had any political conversation with Connors?—A. Had not, sir. If I had, I have no recollection of it.

1918. Q. Do you not know of Connors advocating the election of the entire Greenback or Democratic ticket before election day?—A. I can't swear to what he said before election day.

1919. Q. Did you understand from Connors that he had received the two dollars and a half from Mr. Lamoree, or did you understand that he had received it from some other person, as a compensation for his services in behalf of the Republican ticket?

(Objected to.)

A. I did not understand how he got it or who he received it from; but I understood that he received it for his day's labor.

1920. Q. State where the conversation of Mr. Connors relative to his going away took place; state whether the same was at Mr. Lamoree's office or at Mr. Connors's house, as you understood it.—A. I understood the conversation was at Mr. Lamoree's office.

1921. Q. And did you understand that he went to Lamoree's office to seek legal advice only, or did you understand that he went there to ascertain how Lamoree would feel personally about his testifying?

(Objected to.)

A. I couldn't swear for what advice he went there.

1922. Q. Is it not your best recollection that it was the day before election that you saw Lamoree on the sidewalk in front of Connors's shoe shop?

(Objected to.)

A. That is my best recollection, but I couldn't swear positive.

1923. Q. State whether Mr. Connors has been in the habit of leaving home and staying away this length of time.

(Objected to.)

A. He has not, sir, as long as I have been acquainted with him.

1924. Q. Did Connors have Republican tickets on election day?—A. I couldn't swear what tickets.

1925. Q. But he did ask you to vote for Mason, did he, on the election day?—A. Yes, sir.

Recross-examination :

1926. Q. Did you understand from the conversation which you had with Connors that he did not wish to testify in this matter ?—A. I should say that he did not want to testify.

1927. Q. And did you understand from the same conversation that Connors consulted an attorney with reference to the law because of his desire not to testify ?—A. I understood from him that he consulted Mr. Lamoree about testifying or going away.

1928. Q. Did you understand from the same conversation that Connors consulted an attorney because of his desire not to testify ?—A. I did so understand it.

1929. Q. And did you not know at the same time that Mr. Lamoree's law office was one of the nearest offices to Connors's shop ?—A. I did not, sir.

1930. Q. Do you now know of any law-office that is nearer ?—A. That I couldn't swear. I don't know where Mr. Lamoree's office is.

1931. Q. Do you know of any law-office that is nearer to Connors's residence than the Arcade Block ?

(Objected to.)

A. I think there is law-offices nearer to Connors's than the Arcade Block.

1932. Q. Whose office do you know of being nearer ?—A. I suppose there are law-offices in the block where Mr. Green's office is.

1933. Q. You mean W. W. Green, one of the presiding notaries ?—A. Yes, sir.

1934. Q. Did you know of any other attorney except Green in that block ?—A. I ain't acquainted. I do not.

1935. Q. Did you ever know of Green having a lawsuit in his life ?—A. I don't think I have.

1936. Q. And how far was Green's office from the Arcade Block ?—A. About two hundred feet.

1937. Q. Now, sir, do you know of Connors talking with any one on election day and upon election matters except yourself ?—A. I have no recollection of any.

1938. Q. Was there anything said in your conversation with Connors which will enable you to state whether the \$2.50 came from persons interested in the election of the Democratic, Greenback, or Republican tickets ?—A. I don't remember that there was.

1939. Q. Then, from anything you know, it may have been paid to him for services at the polls in behalf of either the Greenback or Democratic tickets ?—A. I don't know.

1940. Q. Now, sir, do you know that Connors is not at home at this time ?—A. I do not know where he is at the present time.

1941. Q. And can you swear that he has been away from home at all of your own knowledge ?—A. I could not.

1942. Q. Isn't all that you know about it a simple conjecture arising out of the fact that you have not seen him ?—A. As far as my own knowledge is concerned.

1943. Q. Have you ever been at his house to inquire whether he has been at home or not ?—A. I have not, sir.

Second redirect examination :

1944. Q. From what Mr. Connors told you, and from your not having seen him since that time, do you not believe that he has left home ?—A. I believe he is away from home.

1945. Q. Was not Mr. Lamoree the district attorney of this county last fall before election ?—A. I know he was district attorney.

1946. Q. What, if anything, do you know about Mr. Connors having been interested in the welfare of some boy that Mr. Lamoree was prosecuting as district attorney?—A. I know of a boy being sent away to the house of refuge. I couldn't swear to anything on that subject.

1947. Q. Was that Mr. Lamoree that was district attorney the same Mr. Lamoree that is here in this case?—A. I suppose he was; I don't know of any other Mr. Lamoree than the one that appears in this case.

Second recross-examination:

1948. Q. Was the boy in whom Connors took an interest confined in the Western House of Refuge, as you understood it, at Rochester?—A. He was, sir; he is there yet.

1949. Q. And he was sent there about one year ago, was he not?—A. Yes, sir; he must be there a year.

SYLVESTER MURRAY.

Sworn to and subscribed before us 17th day of February, 1879.

WILLIAM W. GREEN,

*Notary Public.*

S. M. COON, *Notary Public.*

*Deposition of Thomas Lyons.*

Witness being duly sworn, deposition taken in pursuance of notice filed, and witness being of legal age to testify.

1950. Question. What is your age, place of residence, and occupation?—Answer. Age, twenty-four years; No. 13 West Tenth street, Oswego; occupation, laborer.

1951. Q. What ward?—A. Third ward.

1952. Q. How long in that ward?—A. I have always lived in it.

1953. Q. And have voted in that ward, have you?—A. Yes, sir.

1954. Q. What are your politics?—A. Vote the Democratic ticket.

1955. Q. Were you at the third-ward polls last Congressional election held on the 5th November last?—A. I was there part of the day, off and on.

1956. Q. Are you acquainted with one William Young?—A. Yes, I know him.

1957. Q. Do you know what his politics were?—A. Well, he was Democrat, Republican, and Greenback.

1958. Q. Did you see him at the third-ward polls at the last election?—A. I did.

1959. Q. Was he not working for and in the interest of Judge Mason for member of Congress?—A. He was peddling the whole Republican ticket.

1960. Q. Did you have any conversation with Mr. Young before or on the day of election?—A. Yes.

1961. Q. When and where was the conversation?—A. The night before election, on the corner of West First and Bridge streets.

1962. Q. You may state that conversation, and also state whether or not you received any money from him; and, if so, state whether or not he told you where he obtained it.

(Objected to the conversation between Young and the witness as incompetent, immaterial, and hearsay. Green holds it is material, and notaries differ.)

A. He said are you going to vote for Duffy, the Greenback candidate for Congress, and I hear you ain't. I said no. He says you want to work to-morrow and make a day's pay? I said I didn't care. He says



all right. He said he would give me a day's pay if I'd peddle tickets to-morrow. That was all there was.

1963. Q. Did he give you any money then and there?—A. No, sir.

1964. Q. What else did he say to you about your just standing around the polls?—A. He said just to be there. That was all.

1965. Q. Did you see him the next morning?—A. Yes.

1966. Q. What time in the morning?—A. About nine o'clock when I got up there.

1967. Q. Did you have any conversation with him there?—A. No, sir.

1968. Q. Did he pay you any money either the night before the election or on election-day; and, if so, how much?—A. He did not the night before nor on the day of election; not in the daytime.

1969. Q. When did he give it to you?—A. After the election was over.

1970. Q. At what time?—A. It was after the polls closed.

1971. Q. How much did he pay you?—A. Three dollars.

1972. Q. How long did you remain at the polls during the day?—A. Not hardly half the time.

1973. Q. And did you distribute Mason tickets that day?—A. Yes; anybody that wanted one I gave it to them.

1974. Q. But you did not want yourself to distribute them?—A. No; I told him I wouldn't.

1975. Q. Did you see Mr. Young at the polls while you were there?—A. Yes; all the time I was there.

1976. Q. Did Mr. Young state to you from whom he received the money that he paid you?—A. No; he didn't tell me where he got it.

1977. Q. Have you received any information or have been informed, or have you learned of Mr. Young paying any money to any person else, either on the day or night preceding the election, or on election day or night? If so, state their names and places of residence.

(Objected to.)

A. Yes, sir; Anthony Salladen and George Gill; Salladen lives on Oneida street, and Gill on Mohawk street, west side of the river.

1978. Q. How much did you learn had been paid?—A. They got the same as I did, three dollars; that is what I heard.

1979. Q. What ward or wards do these parties reside in?—A. Third ward.

1980. Q. Were they not Democrats?—A. I suppose they are Democrats; I don't know what they voted.

1981. Q. And you voted for Mason?—A. Yes.

1982. Q. Did you see either or both of them at the polls that day?—A. Yes, sir.

1983. Q. Were they there all day while you were there?—A. Yes, sir; every time I was there.

1984. Q. Do you know what business either or both of them are engaged in?—A. They ain't engaged in any now.

1985. Q. What wages were you getting for labor by the day last fall before the election?—A. A dollar.

1986. Q. Had you been at work steady prior to election-day?—A. I have not; not every day; sometimes lose a day.

1987. Q. Have you had any conversation with Mr. Lamoree or any person favorable to the interest of Judge Mason about this matter, either before or since you were subpoenaed?—A. I never spoke to Mr. Lamoree, and I don't know who is in the interest of Mr. Mason.

1988. Q. Have you talked with any one?—A. Only with Young.

1989. Q. Have you talked with him?—A. Yes; I met him coming over here.

1990. Q. Have you talked with one Sylvester Fanning?—A. I have.

1991. Q. Did he request you to go to see any one?—A. No, sir; all he said, do you know anything about this, and I said no.

1992. Q. How long did you converse with Young?—A. Only a few minutes; I couldn't say how long.

1993. Q. Mr. Young is an officer of one of the fire companies?—A. He is something in a fire company.

1994. Q. Do you know one Edward Matthews who belongs to the fire company?—A. He drives the team; I don't know whether he belongs to it or not.

1995. Q. Have you not also learned that he received money from Young on the day of election?—A. I have not.

Cross-examination:

1996. Q. Did you see any money paid to George Gill?—A. No, sir.

1997. Q. Did you see any money paid to Anthony Salladen?—A. No, sir.

1998. Q. Did not Anthony Salladin work for the Democratic ticket on election-day?—A. He had the Democratic tickets; but I didn't look at them. I cannot say whether he had the whole of them.

1999. Q. Did Gill peddle the Democratic ticket?—A. He peddled the Democratic ticket except White, the Greenback candidate for recorder.

2000. Q. Did you know of Gill's working for anybody else except the Democratic ticket and Mr. White, the Greenback candidate for recorder?—A. He had Mason tickets some time in the morning.

2001. Q. Did you see him give out a Mason ticket during the day?—A. That I couldn't swear to.

2002. Q. State whether at this time you saw him give tickets out for Mason.—A. I won't swear to it.

2003. Q. What you mean to say is this, isn't it, that you don't know whether he distributed Mason tickets or not?—A. I don't know whether he did or not.

2004. Q. Can you state whether Anthony Salladin distributed Mason votes or not?—A. I didn't see it.

2005. Q. Then you don't know whether either of these men assisted Mason or not?—A. No.

2006. Q. You mean by that, you did not see any thing which led you to believe that they were helping Mason?—A. I saw them have the tickets in the morning; I didn't see them give out any.

2007. Q. Then you don't know whether they gave out a single vote for Mason during the day?—A. I don't know.

2008. Q. And you know nothing with reference to their having been paid money for services at the polls only what you have been told?—A. Only what I have been told.

2009. Q. And those that told you, do you know whether they told the truth or not?—A. I guess one of them that knew did.

2010. Q. Do you know whether they told the truth or not?—A. I can't swear to that.

2011. Q. Did you not peddle tickets, or distribute tickets, on behalf of Mr. Duffy on election-day?—A. I peddled none, and none for Duffy. Not much in behalf of anybody.

2012. Q. Do you know how old a man Salladin is, or about how old?—A. About twenty-five, I should say.

2013. Q. Do you know Salladen ever voted?—A. I never see him vote.

2014. Q. Have you any knowledge of your own as to his politics?—A. Yes.

2015. Q. What do you know about his politics?—A. I know he was a Democrat because he was on the ward committee.

2016. Q. Now, sir, will you swear he was on the ward committee this last year?—A. Yes; I will.

2017. Q. When was he appointed?—A. At the March caucus; a year ago this next March.

2018. Q. That had relation to the charter election, did it not?—A. Yes, sir.

2019. Q. Did it have any relation to the election in November?—A. It was appointed for the year; that's all.

2020. Q. Do you know what the business of this committee was; to call caucuses?—A. Yes; to call caucuses.

2021. Q. And what are your politics?—A. Well, I vote the Democratic ticket, but not a strict Democrat; vote for a friend when I want to.

2022. Q. How came you to refuse to support Mr. Duffy?—A. I was against the Greenbackers, not against him particularly.

2023. Q. You mean by that that you could not support one who advocated Greenback principles?—A. Yes, sir.

2024. Q. And did you know of other Democrats who did the same in your ward?—A. Yes, sir; lots of them.

2025. Q. Then the Democrats, as you understood, were divided in their support between Mr. Mason and Mr. Duffy?—A. Yes, sir; some of them would come there and vote for Mason and some wouldn't vote at all.

2026. Q. I understand you to say that you had made up your mind to vote against Mr. Duffy before you met Young at all?—A. Yes; we said that we wouldn't.

2027. Q. Who do you mean when you say "we"?—A. A lot of us boys who used to go around together.

2028. Q. And was that because you were all of you opposed to the Greenbackers?—A. Because they were breaking up the Democratic party.

2029. Q. Was it not freely talked in Democratic circles that it would be better for the Democratic party if Democrats should refuse to support the Greenback candidate for Congress?—A. Not Congress alone, but the whole Greenback ticket.

2030. Q. When Duffy was placed upon the Democratic ticket, he being at the time he Greenback nominee for Congress, did it not give great dissatisfaction to the Democrats?—A. It did to some, I suppose; I couldn't say about the whole of them.

2031. Q. So far as you heard them talk were they not opposed to supporting Duffy?—A. Some were and some not.

2032. Q. Did you not see Democrats at the polls freely scratching off Duffy's name?—A. No; it wasn't necessary; it was on one ticket.

2033. Q. Did you not know of Democrats in your ward frequently asking for Mason tickets?—A. I couldn't say.

2034. Q. Did you not know of Democrats in your ward frequently refusing to vote for Duffy?—A. They said so, but don't know how they voted. Some refused to vote for either.

2035. Q. Did the money which you received influence your vote in any manner?—A. No, sir.

2036. Q. Had Salladen and Gill both told you before the election that they should not support Duffy or the Greenback candidates?—A. Neither of them spoke of Duffy.

2037. Q. Was not Gill one of the Democrats in your ward who had said to you that he thought it was better for the Democratic party not to support the Greenback nominee?—A. It was Michael Gill told me that; not him.

2038. Q. And was Michael Gill the father of George Gill?—A. No, sir; he was first cousin, I believe.

2039. Q. Who else told you that?—A. Well, I couldn't name them the boys that go around together.

2040. Q. Did money have anything to do with that expression, so far as you know of?—A. No; that was weeks before the election.

2041. Q. And did you hear a similar expression among Democrats from time to time down to the time of the election?—A. Often hear lots talking it over; men standing around the corners.

2042. Q. Then you were satisfied before the election, from what you saw and heard, that Mr. Duffy would get only a portion of the Democratic vote?—A. I knew lots of Democrats who said they wouldn't vote for him.

2043. Q. While you were at the polls on the election day, did you not supply Duffy votes whenever they were asked for?—A. I did.

2044. Q. Did you do any more than that with the Mason tickets?—A. I handed him first a Mason ticket, and if he didn't want that, I gave them Duffy tickets.

2045. Q. Did you not first hand them the Mason ticket by reason of the fact that Mason was your first choice, the man you voted for?—A. Yes.

2046. Q. Did you, during the whole day, by any corrupt or improper means, try to influence votes at the polls?—A. No, sir.

2047. Q. Was it not currently reported, for some time before the election, that many Democrats throughout the city of Oswego would not support the Greenback candidate for Congress?—A. It was reported of the whole ticket; not any one in particular.

2048. Q. You mean by that, do you not, support any Greenbacker?

(Objection. Notaries differ.)

A. I understood by that that they were not in favor of indorsing any Greenbackers.

2049. Q. And did you not hear the same expression on election day?—A. I did.

#### Redirect examination:

2050. Q. Do you not know that Mr. Duffy was nominated by the Democrats in convention assembled?—A. The way I read in the paper, the Democrats indorsed him; that is the way I read it in the paper.

2051. Q. Do you know which convention was held first?—A. I know the Greenback was.

2052. Q. Was there not two separate tickets in the field of Greenback and Democratic nominees, except on Congress?—A. I suppose so.

2053. Q. And is it not a fact that there were but two separate nominees for Congress, Democratic and Republican?—A. Yes, sir; there were but two.

2054. Q. The most of the talk that you heard about the Greenbackers was before the Democratic convention?—A. Before and after.

2055. Q. Who did you hear say, after Mr. Duffy was nominated by the Democrats, that they would not support him?—A. I can't name any one but Gill.

2056. Q. Did you see, and do you know positively, how any person that you heard speak about Congressman before the election voted?—A. I couldn't swear how any one voted but myself.

2057. Q. How many weeks was it before the election that the Democratic Congressional convention was held?—A. I couldn't tell exactly; it was held some time in October, about the 28th, I think.

2058. Q. Are you known in this community as a prominent and leading Democrat?—A. No, sir.

**Recross-examination :**

2059. Q. Do you mean to say that no one but Gill, belonging to the Democratic party, said in your presence that they would not support Greenback candidates?—A. No one but Gill? Yes, I heard others.

2060. Q. And did you hear many others?—A. Yes.

2061. Q. And was that talked among Democrats on the corners of the streets and in various places where you went in the city?—A. Yes.

2062. Q. What you mean to say is this, that you cannot now recall the names of those you did hear talk, or can you recall them?—A. I can recall some of them that were in the party. There was one man named James Duffy; can't name any more.

**Second redirect examination :**

2063. Q. Had Mr. Young, prior to the election, approached you on election matters, and employed or attempted to employ you to work at the polls?

(*Objected to as immaterial, irrelevant, and excluded by the provisions of section 121 of the Revised Statutes of the United States. Notaries disagree; S. M. Coon opposed to admission.*)

A. No.

THOMAS LYONS.

Sworn to and subscribed this 17th day of February, A. D. 1879.

WILLIAM W. GREEN,  
*Notary Public.*

S. M. COON, *Notary Public.*

***Deposition of Thomas S. Mott.***

2064. Question. What is your age, residence, and occupation?—Answer. I am fifty-two years old; I reside in Oswego; occupation, vessel business and banking.

2065. Q. What political party are you a member of?—A. Republican.

2066. Q. And a member of the Republican State Committee?—A. Yes, sir.

2067. Q. And have been for how long?—A. About five or six years.

2068. Q. Are you the only member of that committee a resident of Oswego County?—A. I am the only one at present.

2069. Q. And were you the only one during the month of October, and up to the day of the last election?—A. I was.

2070. Q. Do you know the persons constituting the Republican county committee last fall? If so, give their names and what positions they held.—A. I know some of them. Charles North, I think, chairman; Mr. Parkinson, engaged with Mr. Worts; and Mr. David, of the town of Schroepfel; Phenix, I think; I don't remember any others. There were others.

2071. Q. Can you tell who was the treasurer of that committee?—A. Not from personal knowledge. I have heard or formed an idea that Mr. Parkinson was.

2072. Q. Was you in correspondence with your State committee during the canvass?—A. I don't know as you would call it a correspondence. Sometimes I telegraphed them about a speaker.

2073. Q. Can you now say that you have not written, or caused them to be written to?—A. I think I caused to be written one letter to the chairman.

2074. Q. Was you solicited to and did you contribute any money to be used in the last election? If so, how much did you contribute, and

by whom solicited?—A. I was solicited to contribute in the form of a circular, by the State committee, by the treasurer. I didn't contribute a cent.

2075. Q. Was you solicited by Mr. North, or any other person or persons, whether members of the county committee or not, to contribute to funds for election purposes, to be used in the Congressional district or county?—A. I was.

2076. Q. By whom?—A. I was solicited by Mr. Charles North, by Mr. David and Mr. George M. Case. I was solicited as a member of the State committee.

2077. Q. Did you respond to that solicitation?—A. I told Mr. North that the State committee had no funds to distribute among the county committees, not even to pay their own expenses, except their own expenses as State committee.

2078. Q. Was you solicited as an individual by Mr. North, or any other person, to contribute money for election purposes?—A. I was not.

2079. Q. Did you contribute any for campaign purposes?—A. I did.

2080. Q. Did you do so voluntarily?—A. I did.

2081. Q. How much did you so contribute?—A. I contributed one hundred dollars.

2082. Q. How long was that before election?—A. Some days; I should think a week or eight or ten days before election.

2083. Q. To whom did you pay the money?—A. I sent a draft to Mr. David, our county committeeman at Phoenix.

2084. Q. Did you contribute any more than that?—A. I did not.

2085. Q. Do you know of any one else, or have you heard of any other person, or have you learned of any other person or persons contributing when solicited, or giving voluntarily to any one for election purposes?—A. I heard at the time that pretty much all the candidates were taxed for campaign expenses. Mr. Sloan, I heard, contributed \$100, and the two other candidates for assembly were each taxed a hundred dollars each.

2086. Q. Were you a candidate for any office on the Republican ticket last fall?—A. Never was a candidate for any office.

2087. Q. Do you know, or have you been informed or learned in any manner, of any person or persons who contributed money in the last canvass other than candidates on the Republican ticket, except yourself?—A. I don't know. I never have asked it.

2088. Q. Have you heard of any one?—A. I think I told him that the office-holders ought to pay the expenses; that they had usually done so before, helped to pay the expenses.

2089. Q. How many interviews did you have with Mr. Mason during the canvass?—A. I think I had no special interviews with him. He used to come here and stop in the office. I think he seldom came here without coming in to see me; don't know as he ever did. I think I have known him since I was fourteen years old.

2090. Q. Then you were warm personal friends?—A. Yes, sir. He is a man I think a good deal of, and always have.

2091. Q. And was anxious that he should be elected?—A. I was not anxious that he should be, for I had no doubt of his election. I was desirous of his election.

2092. Q. Did you meet him at the Doolittle House at any time during the canvass; and, if so, how long before the election?—A. I called upon him myself at the Doolittle House; I called upon him and Mr. Geary Wellington, I think, some time in June, some time before he was nominated for Congress—Geary Wellington I would say. I called upon him

once after he was nominated. I think he came here the Saturday before election with Mr. Fort, as I understood. The next evening, Sunday evening, after tea I went down and called upon him, seven o'clock, or a little before or after, at the Doolittle House.

2093. Q. Did you go to his room?—A. I think I sent a card up to him and he came down stairs.

2094. Q. Any one else join you in that interview?—A. I think it was Mr. James Beckwith, Mr. Simeon Holryd, and Mr. Clark Morrison.

2095. Q. And how long did that interview last?—A. We stood there several minutes, five or ten minutes or fifteen minutes.

2096. Q. Did you see any other Republicans there, or know of any having interviews with Mr. Mason?—A. I didn't see any. I think Mr. Mason spoke of several having been there that day, but I know of none being there when I was there.

2097. Q. Was that the last interview you had with Mr. Mason anywhere before election?—A. After talking a few minutes he asked me up to his room. I think I told him that I would go up if he would see me home and go to church with me.

2098. Q. Did you go to his room?—A. I did, sir. I let my man go back and went to his room.

2099. Q. How long did you remain there?—A. I should think from half an hour to an hour.

2100. Q. Did any other person call?—A. Not while I was there.

2101. Q. And in that interview you talked about the political situation and how he would probably run in the city of Oswego and elsewhere, and what was probably the best to do to insure his election?—A. No conversation about what was best to do. He talked to me about his prospects and asked me about the city.

2102. Q. And in that interview you talked about the number of voters that were in the employ of Mr. Thompson Kingsford and other known Republicans in the city here?—A. No, sir; I did not.

2103. Q. Did you not, either in that interview or in some other interview that you had with Mr. Mason, promise him that you would see Mr. Kingsford for him?—A. I did not.

2104. Q. Did you talk with Mr. Kingsford in relation to the election, or the election of Judge Mason?—A. No, sir; I did not.

2105. Q. You say you talked with him about the nomination; was that before or after his nomination?—A. It was before his nomination.

2106. Q. Which first spoke of the nomination, Mr. Kingsford or yourself?

(Objected to as immaterial.)

A. I think I spoke first to him, and I said that our friend Mr. Mason was a candidate and we must do what we could to get him nominated.

2107. Q. Then Mr. Kingsford was favorable to his nomination and his election?—A. He expressed himself to me as in favor of his nomination. As to his election I supposed he was, but I had no conversation about it.

2108. Q. Did you write, or cause to be written, any letters to Judge Mason on the subject of his election, and receive any from him on the subject of his election?—A. I did not.

2109. Q. Can you give the names of any person or persons who you have learned of, either in general conversation or otherwise, who in any manner, either directly or indirectly, contributed money for election purposes to use in the city of Oswego, and county of Oswego, and in Madison County?—A. I heard that Mr. Duffy contributed a hundred dollars to one man in Hamilton, Madison County.

2110. Q. Well, who else?—A. No others except those I have named.

2111. Q. From whom did you receive that information?—A. I received it from Judge Mason the Sunday evening that I was at the Doolittle House at his room.

2112. Q. And you understood that that was the amount that Mr. Duffy was assessed by the county committee?—A. No, sir; I did not. He gave name, but I cannot recollect it. I don't know whether he was a member of the county committee or not.

2113. Q. Give the man's name.—A. Mr. Lippit.

2114. Q. Do you not know he was chairman of the county committee?—A. I did not.

2115. Q. Do you not know that Mr. Mason paid a large sum of money into the hands of the county committee of this county—of Madison County—or have you not learned that he did, or heard that he did?—A. I have no knowledge myself, but I have heard that the county committee taxed him, and have no other knowledge. I did not know and have not heard whether he had paid the assessment.

2116. Q. Have you not heard, and did you not learn at the time, the amount that Mr. Mason was assessed?—A. I have never heard, but I supposed that he had paid. I have the impression that he was taxed \$150 by the county committee of Oswego County.

2117. Q. During any of the interviews you had with Judge Mason did you not learn from him and did he not inform you that he had borrowed the sum of \$1,500 in Madison County to use for his election, or in substance that, and that he had secured the payment of the same by a mortgage, or in substance that?—A. Never mentioned that sum or any other.

2118. Q. Did he not mention the fact that he had borrowed money for election purposes?—A. He did not.

2119. Q. Are you acquainted with Mr. Lippit?—A. I have seen him.

2120. Q. And did you not learn from Judge Mason or some other source that he was a member of the Madison County Democratic committee, or chairman of the same?—A. No, sir; I did not. Nothing said about that.

2121. Q. Did you learn who was the chairman of that committee?—A. I do not know the chairman of that committee or the Republican.

2122. Q. You may give that conversation as to this money.—A. The entire conversation was brought out by me in regard to this matter. I said to Mr. Mason, that I understood from Mr. Lyman that Mr. Duffy really began to think that he was going to be elected, and, to use Mr. Lyman's words, "And he is putting some money into this canvass." I asked the judge if he thought it was so, and his reply was that he knew of one man in his town whom he had given a hundred dollars to. I think he stated it was Mr. Lippit.

2123. Q. You will not say that Mr. Lippit was not the chairman of the Democratic county committee?—A. I will not.

2124. Q. Do you know personally of whom Mr. Mason borrowed money during the canvass?—A. I do not.

2125. Q. Did you have any conversation with Mr. Burchard during the canvass, or any other leading Republican?—A. I did not with Mr. Burchard; no particular conversation as to how the canvass should be conducted with any one. I talked with Judge Churchill, Mr. Lamoree, Mr. Conkling, Mr. Place, Mr. Root, Mr. Fort, McCarty of Pulaski, Mr. Case of Fulton, Mr. Lasher, Mr. Baker of Constantine. Most all of them came to the bank to see me, and I never saw them anywhere else.

2126. Q. What Republicans were at your house the Sunday evening



preceding the election?—A. I think during the evening that Mr. Burchard, Mr. Place, and Mr. Lamoree called.

2127. Q. How long did they remain?—A. I don't, know exactly. I was not with them all the time. I was out of the room part of the time, and when I went back I think Mr. Lamoree was there and Mr. Place and Mr. Burchard were gone. I supposed they came to see him. They inquired for him, and when they came in I went out soon after. I think Mr. Place and Mr. Burchard came together, and Mr. Lamoree came afterward; and I think that Burchard and Place went away first; I am satisfied of that; one of them remained. I think Burchard went away first. I think Mr. Lamoree went with the judge.

2128. Q. How long was you out of the room while they were there?—A. I think I was gone perhaps half an hour, perhaps not more than twenty minutes.

2129. Q. How long did Mr. Lamoree remain after you returned to the room?—A. It may be fifteen minutes or a half an hour.

2130. Q. Did you have any interview with Lamoree, Burchard, or Place after that, and before the election?—A. I think not.

Cross-examination :

2131. Q. Give the whole of the conversation between you and Judge Mason in relation to Mr. Lippit's having money from Mr. Duffy.—A. Judge Mason was asking me about my opinion as to what majority he would get in the city, and also told me what others had said to him about the city and county. When I told him what Mr. Lyman had said, I asked him if he thought it was so. I think his reply was that he knew of his giving one man in his town a hundred dollars; also said that he, Mason, had been before the people of his county for elective offices and that he had never used a dollar, and if he couldn't go to Congress without buying his way in he would stay at home. Nothing further, except he talked about his majority in the city. He told me what Mr. Fort said.

2132. Q. Did you, in the conversation, state to Mr. Mason what his majority would be in the city?

(Objected to as not material and no part of the cross-examination.)

A. I did.

2133. Q. What was it?—A. I told him I thought he would have five or six hundred majority, and I gave him my reasons.

(Objected to as being no part of contestee's reply. Contestant protests against the consumption of his time by the contestee in making his defense.

Notaries differ, Coon sustaining admissibility.)

A. I thought there was a large number of Democrats who didn't agree with Mr. Duffy in his financial views, and I thought they wouldn't vote for him, and that I didn't know any Republicans who were Green-backers, in the city, except Mr. Bundy.

2134. Q. Had you the means of knowing at that time how the leading Democrats of the city stood upon the question of supporting Mr. Duffy for Congress?—A. I don't understand that they had any objection to him personally. I think I had the means of knowing.

2135. Q. You may state what you knew with reference to the position of the Democrats of the city on that question.—A. It stood that quite a number of them were in favor of specie payments who would vote for Judge Mason, and they informed me of others.

2136. Q. Did you make an estimate of the number of Democrats in the city who would support Judge Mason?—A. I did not.

2137. Q. Did you know of persons who stood disaffected towards Mr. Duffy on the school question?—A. I did not.

2138. Q. You may state, if you wish, the names of some of the leading Democrats within the city whom you know as being opposed to Mr. Duffy on the financial question.

(Objected to, first, as last above; second, as calling for hearsay.)

A. I decline to answer, on the ground that it is private conversation between friends and I do not choose to divulge it.

2139. Q. Were they business men?—A. Some business men and some professional men.

2140. Q. You have stated that you introduced several persons to Judge Mason, namely, Holroyd, Morrison, and Beckwith; were these gentlemen all Democrats?—A. All Democrats except Holroyd; he is a Republican.

2141. Q. Is he prominently connected, in a business way, with the only Democratic organ in the city?—A. I think he is; he is the business manager.

2142. Q. Is he not one of the three proprietors of the paper?

(Objected to as immaterial.

Notaries disagree; Coon for admission.)

A. I think he is.

2143. Q. You did not see those gentlemen?—A. The reason is I have lost my sight and can only distinguish people by their voices.

2144. Q. Are you positive when you speak with reference to Mr. Burchard's having left your house before Mr. Lamoree?—A. It is the best of my recollection. I think it is so. I think Mr. Lamoree was the last one that went away with the judge.

2145. Q. Did you say, Mr. Mott, that you sent a hundred dollars to Mr. David, in the second district?—A. Yes, sir; to him as a member of the Republican county committee.

2146. Q. Was that money sent to be used for the general purposes of the campaign or for Judge Mason in particular?—A. The day after Mr. Breed was nominated for member of assembly in the 2d district—Mr. Oliver Breed, in the 2d assembly district—Mr. David, as a member of the county committee, and Mr. Case, the ex-member of assembly, said that they had nominated Mr. Breed against his wishes and now they wanted to elect him; that he was not able to bear any of the expenses of the canvass, and desired me to see if I could get some help from the State committee for them. I told them it was useless to try; that civil service and reform had cut off all the supplies. Mr. David then made a reply that they had got to have something to get speakers and pay the expenses of the meetings. I then told him that I could get nothing for him from the committee, but I would contribute a hundred dollars individually, and I did so.

2147. Q. And that is the \$100 you spoke of in your direct examination?—A. It is.

2148. Q. And did Mr. Case and Mr. David both live in the second district?—A. They did.

2149. Q. And was Mr. Case the then member of assembly for that district?—A. I think he was.

Redirect examination:

2150. What did Mr. Mason say Mr. Fort had said to him about his majority in this city?—A. I think he said that Fort said he would have only about three hundred.

THOS. S. MOTT.

Sworn to and subscribed February 17, 1879.

W. W. GREEN, *Notary Public.*  
S. M. COON, *Notary Public.*

*Deposition of John Clark Cooley.*

Witness being duly sworn, deposition taken in pursuance of notice filed :

2151. Question. Where do you reside? State your age, residence, and occupation.—Answer. Resides city of Oswego, third ward; age, 57 years; at present canal collector.

2152. Q. How long have you resided in the third ward?—A. I have lived in it ever since its organization.

2153. Q. Are you acquainted with the Oswego starch factory?—A. I am acquainted with the proprietor of it and the factory where it is.

2154. Q. How long has that establishment been running?—A. Thirty years, I should think.

2155. Q. For the last five years, about how many men have been employed there?—A. Somewhere about five hundred, sometimes more.

2156. Q. During the past five years or longer have you paid attention to politics to any considerable extent?—A. Yes, sir.

2157. How far do you live from the starch factory?—A. I should say, roughly, about sixteen hundred feet.

2158. Q. State whether for the last five years and longer has there been a general understanding that all men working in the starch factory were compelled to vote the Republican ticket?

(Objected to as improper, incompetent, and irrelevant. Notaries disagree; S. M. Coon against admission.)

A. That is the understanding among us Democratic political men.

2159. Q. Has there or has there not been a general repute for the last fifteen years that all persons working in the starch factory were compelled to vote the Republican ticket?

(Same objection, same result.)

A. There has been and is now.

2160. Q. Has there been a public rumor or repute as to what the consequences were to any voter working in the starch factory who voted against the Republican ticket on election day?

(Same objections and that it is hearsay, and same result.)

A. The understanding is that any man who voted against the Republican ticket will be discharged.

2161. Q. Have cases come to your knowledge in which men have been discharged thence for voting against the Republican ticket?

(Same objections, same ruling.)

A. Yes, sir.

2162. Q. Will you state whether this general understanding that they will be discharged for not voting the ticket is generally reported and understood among the men working in the starch factory?

(Same objections and same disagreement.)

A. Yes; so far as I hear from themselves.

2163. Q. Have you heard many of the men in the starch factory say that?

(Same objections and same disagreement.)

A. I have some at different times.

2164. Q. Which ward is that starch factory in?—A. The fifth.

2165. Q. You said there were about five hundred men working in the starch factory. Do you know what proportion of them are voters?

(Objections same as above and is hearsay, and there is better evidence; same disagreement.)

A. Of the men most all of them are voters.

2166. Q. How many of them usually voted in your ward?—A. I can't say.

2167. Q. Can you tell about the number?—A. Probably thirty or forty.

2168. Q. Can you tell how many there were last fall?—A. I don't know.

2169. Q. Will you state whether the starch-factory voters uniformly voted the Republican ticket in your ward?

(Objected to as above; same disagreement.)

A. Yes.

2170. Q. Do you know as to whether any of them are or were last fall privately avowed Democrats or Greenbackers?

(Same objections and same disagreement.)

A. Can't answer as to last fall.

2171. Q. How was it previous to last fall, and within the last two or three years?

(Same objections and same disagreement.)

A. Men who were in the employ of the factory for the last two or three years have told me that they would vote the Democratic ticket if they dare, but should they vote and it became known that they had voted the Democratic ticket they would be dismissed.

2172. Q. Any considerable number of men told you that?—A. At different periods, quite a number told me that.

2173. Q. Is there any reason why you do not know how it was last fall? and, if so, state it.—A. I was sick, and unable to be out in two months.

2174. Q. Do you know anything about the system of the starch-factory voters being watched at the polls and on their way to the ballot-box?

(Objected to, and that it should be confined to the last Congressional election; same disagreement of notaries.)

A. I do.

2175. Q. Will you state what that system is and has been for the last eight or ten years?

(Same objections and same disagreement.)

A. The system pursued by the factory, by that I mean Kingsford's foremen, has been, as much as possible, to have one of their men appointed inspector of elections; they have always had a foreman standing at the polls; they have also had as high as some seven, or eight, or nine, and sometimes more than that, who were stationed in the vicinity of the polls, and some of them scattered on the street up from the polls toward the starch factory. Speaking for myself, I have walked up to meet starch-factory men when they came up to vote, to solicit them to vote the Democratic ticket; and they give me an answer, most invariably, that they would like to vote the Democratic ticket but dare not. I have offered them Democratic tickets with Republican headings, saying to them that the ticket being like the Republican ticket they would not be suspected of voting the Democratic ticket. They said they dare not take a ticket from me, as there were so many of the bosses around they would be noticed. Those men, if they did not have their ticket in their hand, they got them of Mr. Sumner, Mr. Southwick, Mr. Rasmussen, Mr. John Roach, or some other recognized foreman in the starch factory. I have solicited those men, Democrats I mean, the past few years, in the same manner, to vote the Democratic ticket. They have invariably told me that they dare not vote the Democratic ticket, for, should it become known, they would be sure to lose their places. An old Dem-

ocrat belonging to the factory had been in the habit of getting a ticket prepared for him that he might vote the Democratic ticket; as he was coming up to the polls, he came up to me with tears in his eyes, he was crying, and says to me, "I have got to vote the Republican ticket; I can't take the ticket from you." I offered him a Democratic ticket, and he did vote the Republican ticket.

2176. Q. Were Mr. Sumner, Southwick, Rasmussen, and John Roach, whom you have named, bosses or foremen in the starch factory or men holding other positions of trust there?—A. Yes, sir.

2177. Q. Can you state what positions they are in?—A. Mr. Southwick has a contract for making boxes in the box factory connected with the starch factory; that is my understanding of it; Mr. Rasmussen has some contract in regard to putting up starch, I think; Mr. Sumner has to do with the shipping of the starch; and John Roach is a general fore-odd jobs and he has charge of a gang of men.

2178. Q. Is there uniformly one or more of these men usually at the polls peddling tickets?—A. Usually, all; uniformly one or more.

2179. Q. Do you know as to their general politics?—A. Until about the time Mr. Sumner went to work at the starch factory he was a Democrat; the others were Republicans.

2180. Q. When did Sumner go to work in the starch factory?—A. Fifteen years, I guess; maybe more.

2181. Q. Do you know as to this watching of voters so far as regards the fifth ward?—A. No, sir; I do not; never leave my own polls.

2182. Q. Do you know whether it is generally understood and reputed that this same system of watching starch-factory voters at the polls by starch-factory bosses has been for several years carried out in all the wards of the city?

(Same objections and disagreement.)

A. Among Democrats that is so; I never talked with Republicans on the subject.

2183. Q. Who is the president of the starch-factory company?—A. A doctor somebody, of Auburn; don't remember his name; he don't reside in Oswego.

2184. Q. Who is the general manager at Oswego?—A. In the city of Oswego, Mr. Thompson Kingsford.

2185. Q. How long has he had the general management of the factory?—A. I can't tell how long, for he may have had the management before his father died.

2186. Q. How long has he or his father had the general management of it?—A. His father had it ever since it was organized until near his death, and afterward Thompson, and both of them have had it all the time.

2187. Q. When did his father die, about how many years ago?—A. Maybe six or seven years ago; maybe more. I don't remember exact date.

2188. Q. Since his father's death, has Thompson Kingsford had the exclusive control of the starch factory at Oswego?—A. So I have understood.

2189. Q. Do you know, from general repute and understanding, that Thompson Kingsford was solicitous for Mr. Mason's election last fall?

(Objected to as above; disagreed as above; S. M. Coon for sustaining the objection.)

A. In relation to Mr. Mason in particular, I say no.

2190. Q. Do you know, from general repute and understanding, that Thompson Kingsford was anxious last fall for the election of the entire

Republican ticket, including Mr. Mason?—A. I do not from *general* repute and understanding; I was not on the street but a few times. I was sick.

2191. Q. Do you know from reputation whether Thompson Kingsford was desirous that the Republican ticket, including Mr. Mason, should be elected at the last election?

(Objected as above; disagreed as above.)

A. Yes.

2192. Q. Will you state who this restraint over voters at the starch factory has been attributed to, by general repute, since the death of Mr. Kingsford's father?

(Objected to as above.)

A. To Thompson Kingsford.

2193. Do you know who has the power of discharging men in the employ of the starch factory; and, if so, who?—A. I understood, and always have understood since that old gentleman's death, that Thompson Kingsford, either personally or through his foremen, discharges them.

2194. Q. Do you know whether Thompson Kingsford has had other men in his employ besides those working in the starch factory, for the last four or five years?—A. Yes.

2195. Q. About what number?—A. I can't say exactly; sometimes had from fifty to a hundred men, on the farms and on the highway and other works. I think I counted 75 men carrying dirt on to the coffer-dam out of the canal. Some years he has a good many; some less.

2196. Q. Will you state whether there has been a general repute and understanding that all the voters in his employ were required to vote the Republican ticket at all elections?

(Same objection and disagreement.)

A. Among Democrats that is the universal repute. I haven't talked with Republicans about it.

2197. Q. Have any investigations been made, by Democrats, by committees, or otherwise, to ascertain that fact? And state what investigation.

(Objected to; disagreed as above.)

A. For several years I employed a person to take a canvass of the old and new third ward, before their division and since, of the voters in the ward and of their political status. We have found it necessary to make a distinct list of all those belonging to the starch factory separate from the others, the result of which we found in every case when the party was Democratic in principle and usually voted the Democratic ticket, they were compelled to vote the Republican ticket, so they stated. I had as perfect list as I could made out of the starch factory men on the poll-lists. I either saw them myself or employed some Democrat to see them, to see how they were going to vote, to ascertain whether they were going to vote the Democratic ticket or not. With rare exceptions (they were sorry to do so) they said they would have to vote the Republican ticket. Some who did vote the Democratic ticket were shortly dismissed from service.

2198. Q. State whether the employes in the starch factory, who uniformly vote the Republican ticket, are usually kept in steady employ for a long term of years.

(Same objection; same disagreement, and is impertinent.)

A. Very seldom a Republican is discharged to my knowledge; so far as I am aware, they are kept in steady employ.

2199. Q. What country man is Mr. Kingsford?—A. He is English,

and his father and mother were English; I am not certain whether he was born in this country.

2200. Q. What country man is Mr. Kingsford reputed to be?—A. Reputed to be English.

2201. Q. Native of what country are the bulk of his employés reputed to be?

(Objected to; same reasons—notaries disagree.)

A. Taking the natives of Ireland, and their children born here, I should say the great mass of them are Irish and their children.

2202. Q. Do you know whether last fall, and within a month or two before his election, Mr. Kingsford took into his employ a considerable number of other men engaged in the construction of a building in the city of Oswego?—A. I do.

2203. Q. Do you know how long they were continued in his employ after the election?—A. I think they were kept until the neighborhood of December or into December till it froze up.

2204. Q. Do you know about how many men?—A. No, I don't; a good many; probably seventy-five or more.

2205. Q. When was it then when you say you saw seventy-five men?—A. Some time in October.

2206. Q. Do you know whether it was generally understood that the number was increased just before election?—A. No, sir.

2207. Q. Was there a current report that all the voters working on that building were required to vote the Republican ticket last fall by Mr. Kingsford or the bosses of his work?

(Objected to as before; same disagreement.)

A. After election, two or three times I heard that they had been called upon to vote the Republican ticket. I don't know anything about current report at all, for I wasn't out.

2208. Q. Who did you understand they had been called upon by?—A. I understood that Mr. Kingsford had had them called upon to see how they were going to vote.

2209. Q. Will you state whether last fall was a time of general distress among mechanics and laborers in Oswego, for the want of employment, down to the time when Mr. Kingsford commenced this building?—

A. The times had been hard last summer and was then very little work to be had.

2210. Q. Was there after this work was commenced and until the close of the fall very little work to be had, only on this building?—A. There was very little; I should say that employed more help than all the rest.

#### Cross-examination :

2211. Q. Is your hearing seriously impaired?—A. It is at times.

2212. Q. And has been for how many years?—A. Ever since I was six years old.

2213. Q. Is it not with considerable effort that he who addresses you makes you understand distinctly?—A. When I sit in front of a person talking I get along very well; but when I don't, I do not understand general conversation so well.

2214. Q. Is it not true that whoever addresses you, as a general thing, has to elevate his voice?—A. Strangers do, always; that is, when I am in my present condition, and have got a cold in my head.

2215. Q. And, as a rule, is not that the case?—A. Not as a rule.

2216. Q. At any time is your hearing good?—A. My hearing has not been perfect since I was six years old; but I can hear you or any of

those parties, if they talk plain and distinct. A loud tone of voice breaks up the sound and is worse for me than an ordinary voice.

2217. Q. I understand that you cannot hear an ordinary voice to-day?—A. At a distance—I can at your distance; difficult to understand a low, confidential tone. I have to be closer than I am to you to hear a low, confidential tone.

2218. Q. Did you know of the State having been engaged, during the summer and fall, in the expenditure of a large sum of money within this city, rebuilding the State Normal School?—A. I understand that they appropriated—not that they had been expending—a large sum of money.

2219. Q. Do you not know the appropriation for that work to have been upwards of forty thousand dollars?—A. I did understand that the State had appropriated about forty thousand dollars, but I did not understand that it had expended all of it.

2220. Q. Is that building in your ward?—A. No, sir.

2221. Q. How far is it from the north line of your ward?—A. One block, I think—about six hundred feet.

2222. Q. Can you state that the amount expended upon that building by the State does not considerably exceed the entire expenditures by Mr. Kingsford upon the work to which you refer?—A. Not knowing how much Mr. Kingsford expended, I couldn't answer.

2223. Q. Do you know of an appropriation of ninety thousand dollars by the general government for harbor improvements at the city of Oswego last year?—A. There was an appropriation of eighty or ninety thousand dollars.

2224. Q. And was not that appropriation exhausted during the summer and fall of 1878?—A. I don't know.

2225. Q. In your judgment, was the expenditure by Thompson Kingsford in excess of one-third that amount?

(Objected to as not material to the issue and as irrelevant. Notaries disagree; Coon holds material.)

A. Not knowing, I couldn't say.

Adjourned to 2 o'clock p. m.

2226. Q. Have you seen the building on First street, in process of erection by Mr. Kingsford, to which you referred in your direct examination?—A. I have.

2227. Q. And how recently?—A. This week, I think.

2228. Q. In your judgment, how much money has been expended there?—A. I couldn't tell you.

2229. Q. What the amount would be, in your judgment?—A. I have no judgment about it. There might have been ten thousand; there might have been more; there might have been less.

2230. Q. In your judgment, has there been five thousand expended?

(Objected to on the ground that he has twice answered already.)

A. If I was going to say anything about it, I should say more than that. I have no judgment about it; I don't know.

2231. Q. Are you apprised of the fact that gentlemen—Irwin and Gwinn—erected a building here last fall known as the shade cloth factory?—A. Yes, sir; I am.

2232. Q. And is not that building two hundred and fifty feet long?

(Objected to as immaterial to this issue. Notaries disagree; Coon against the objection.)

A. Over two hundred, I should judge.

2233. Q. And how many stories high is that building?

(Same objection; same ruling.)



Q. And how many stories high?

(Same objection; same ruling.)

A. Am not certain; three, if not four stories.

2234. Q. Was not that building commenced and completed up to its present condition since the commencement of fall?

(Objected to on same grounds as last before; same ruling.)

A. I am not certain whether it was commenced in August or not.

2235. Q. In your judgment, how does the expenditure of money or the labor necessary to be employed upon the shade cloth building compare with Mr. Kingsford's?

(Objected to same as above; counsel holds legitimate cross-examination. Notaries differ.)

A. If you are speaking now in reference to the time Mr. Kingsford shut down, I should say that the expenditures up to that time were not very far apart.

2236. Q. And how as to the labor part necessary to be performed?

(Same objection and same ruling.)

A. In the month of October—about the middle—when I visited both buildings, Mr. Kingsford had in his employ, at that building, I should say four men to the other's one; perhaps more.

2237. Q. How many men were there engaged in the shade cloth factory, including stone cutters, stone and brick masons, carpenters, and common laborers?

(Same objection; same difference.)

A. My recollection is not clear; but my impression is that there were no stone-cutters worked in the middle of October there.

2238. Q. Will you answer my question?—A. I have answered it in part; and I was trying to get my recollection together so as to answer the rest.

2239. Q. Will you go on?—A. I was sick at that time and did not notice particularly; my mind was on other matters; I did not pay any particular attention to it.

2240. Q. Did you ever go through the building or upon the premises, so as to enable you to know about how many men were there employed in the month of October or November?

(Same objection; same disagreement.)

A. Not in October.

2241. Q. At any time before election?

(Same objection; same difference.)

A. I passed it very frequently when they first commenced; I think in August.

2242. Q. Did you know of the brewery in process of erection in October and November on East First street near Utica street?

(Same objection to all the series of questions; same disagreement.)

A. I saw them to work there.

2243. Q. And do you know how many men were employed on that building?

(Same objection; same disagreement.)

A. But very few; I don't think I ever saw a dozen at work there.

2244. Q. How many times did you visit it in October?

(Same objection; same disagreement.)

A. I think I did go by it more then twice in October; I doubt whether it was building in October; it was in November, I think, they commenced.

2245. Q. Didn't they commence it before election?

(Same objection; same disagreement.)

A. I don't know, for I was sick.

2246. Q. Did you know of the rebuilding of the orphan asylum ?

(Same objection; same disagreement.)

A. I know they rebuilt it.

2247. Q. Have you any knowledge of the number of men employed ?

(Same objection; same disagreement.)

A. Only from the amount of money expended; I should think not a great many.

2248. Q. How much money was expended ?

(Same objection; same disagreement.)

A. I don't recollect how much insurance; it was stated, at the time, the insurance would about cover the loss.

2249. Q. Did you know of the Guimaraes Block ?

(Same objection; same disagreement.)

A. I saw them building it.

2250. Q. And that is a block of stores ?

(Same objection; same disagreement.)

A. That's what they call it, I think.

2251. Q. In your judgment, how does the expense and labor upon that block compare with Mr. Kingsford's expenditure ?

(Same objection; same disagreement.)

A. Speaking at the time I referred to Mr. Kingsford, the expenditures would be very light in comparison to Mr. Kingsford's.

2252. Q. Did you know of Charles Pardee building a fine residence ?

(Same objection; same disagreement.)

A. I did; I saw the men at work at it.

2253. Q. And how did the expenditure of money and labor upon that structure compare with Mr. Kingsford's ?

(Same objection; same disagreement.)

A. I don't recollect; I visited it at the time I speak of, in the middle of October; the number of men could not have been many.

2254. Q. How many ?

(Same objection; same disagreement.)

A. I was trying to think; I don't remember; couldn't have been many.

2255. Q. Did you know of Benz & Dain's furniture rooms, and livery, and undertaker's rooms on East Second street ?

(Same objection; same disagreement.)

A. I saw the building.

2256. Q. And do you know as to how many men were employed on that ?

(Same objection; same disagreement.)

A. At the time I speak of, I didn't come across the river, and therefore I don't know.

2257. Q. Did you know with reference to the erection of the new Oswego starch factory on the east side of the river, in Oswego ?

(Same objection; same disagreement.)

A. I did, sir.

2258. Q. And do you know with reference to the number of men there employed in October ?

(Same objection; same disagreement.)

A. No, sir; I do not. Not many.

2259. Q. How did the capital there invested and the labor employed correspond with Mr. Kingsford's building in the west side in Oswego ?

(Same objection and same disagreement.)

A. There is no comparison, hardly, to be made.

2260. Q. Are not the expenditures at the new Oswego starch factory in excess of all money expended by Mr. Kingsford in West First street, up to this time?

(Same objection and same disagreement. Objected further that it is incompetent.)

A. Up to the time of election there was very little spent; up to this time I think the expenditure of Mr. Kingsford very much exceeds it.

2261. Q. Did you know of the shade cloth factory in process of erection in November last at Minetto, four miles above Oswego?

(Same objection, and further, that it is irrelevant; same disagreement.)

A. I have heard of the shade factory being built there.

2262. Q. And have you not heard that the same is a very large and expensive building?

(Same objection as last above, and same disagreement.)

A. I have heard that they have commenced such a building.

2263. Q. And did you not understand that the same was in process of erection during the fall of 1878, both before and after the election?

(Same objection and same disagreement.)

A. I understood that they were laying the foundations somewhere about election time; don't remember whether before or after.

2264. Q. Did they not commence the erection of that building in September?

(Same objection and disagreement.)

A. I don't know when they commenced it.

2265. Q. Have you known of so much building having been carried on at Oswego and vicinity any season within the past ten years as there was last summer and fall? And if so state when.

(Same objections.)

A. There was an unusual amount of work done the latter part of the season.

2266. Q. What did you mean, then, by saying in answer to Mr. Tiffany's question that last season was an unusually hard time for laboring men to obtain employment?—A. I meant that the season had been so unusually dull, with the previous seasons, that people were unusually poor; that there was such a great supply of labor that when there was an opportunity to get work they sought it with great avidity, so that when any building or improvements were commenced there were more people asking employment than the works then under way could accommodate. There had been no time this past season that the building and improvements going on would employ all the labor that was seeking work.

2267. Q. Now, sir, is it not a fact that Mr. Kingsford was obliged to go to Syracuse and to other places to obtain laborers upon his building, by reason of a scarcity in Oswego?—A. Only as to masons. I understood he sent for masons just as the season was closing up, to get his building out of the way of the frost.

2268. Q. Do you not know that he sent, before election, out of town for laborers?—A. I do not.

2269. Q. Do you know whether he did or not?—A. He did not.

2270. Q. Is it not true that the laboring force in Oswego, as in other cities, was greatly reduced by removals between 1873 and the commencement of 1878?

(Same objection as above; same disagreement.)

A. According to my observation, with the exception of those who

2138. Q. You may state, if you wish, the names of some of the leading Democrats within the city whom you know as being opposed to Mr. Duffy on the financial question.

(Objected to, first, as last above; second, as calling for hearsay.)

A. I decline to answer, on the ground that it is private conversation between friends and I do not choose to divulge it.

2139. Q. Were they business men?—A. Some business men and some professional men.

2140. Q. You have stated that you introduced several persons to Judge Mason, namely, Holroyd, Morrison, and Beckwith; were these gentlemen all Democrats?—A. All Democrats except Holroyd; he is a Republican.

2141. Q. Is he prominently connected, in a business way, with the only Democratic organ in the city?—A. I think he is; he is the business manager.

2142. Q. Is he not one of the three proprietors of the paper?

(Objected to as immaterial.

Notaries disagree; Coon for admission.)

A. I think he is.

2143. Q. You did not see those gentlemen?—A. The reason is I have lost my sight and can only distinguish people by their voices.

2144. Q. Are you positive when you speak with reference to Mr. Burchard's having left your house before Mr. Lamoree?—A. It is the best of my recollection. I think it is so. I think Mr. Lamoree was the last one that went away with the judge.

2145. Q. Did you say, Mr. Mott, that you sent a hundred dollars to Mr. David, in the second district?—A. Yes, sir; to him as a member of the Republican county committee.

2146. Q. Was that money sent to be used for the general purposes of the campaign or for Judge Mason in particular?—A. The day after Mr. Breed was nominated for member of assembly in the 2d district—Mr. Oliver Breed, in the 2d assembly district—Mr. David, as a member of the county committee, and Mr. Case, the ex-member of assembly, said that they had nominated Mr. Breed against his wishes and now they wanted to elect him; that he was not able to bear any of the expenses of the canvass, and desired me to see if I could get some help from the State committee for them. I told them it was useless to try; that civil service and reform had cut off all the supplies. Mr. David then made a reply that they had got to have something to get speakers and pay the expenses of the meetings. I then told him that I could get nothing for him from the committee, but I would contribute a hundred dollars individually, and I did so.

2147. Q. And that is the \$100 you spoke of in your direct examination?—A. It is.

2148. Q. And did Mr. Case and Mr. David both live in the second district?—A. They did.

2149. Q. And was Mr. Case the then member of assembly for that district?—A. I think he was.

Redirect examination:

2150. What did Mr. Mason say Mr. Fort had said to him about his majority in this city?—A. I think he said that Fort said he would have only about three hundred.

THOS. S. MOTT.

Sworn to and subscribed February 17, 1879.

W. W. GREEN, *Notary Public*.  
S. M. COON, *Notary Public*.

*Deposition of John Clark Cooley.*

Witness being duly sworn, deposition taken in pursuance of notice filed :

2151. Question. Where do you reside? State your age, residence, and occupation.—Answer. Resides city of Oswego, third ward; age, 57 years; at present canal collector.

2152. Q. How long have you resided in the third ward?—A. I have lived in it ever since its organization.

2153. Q. Are you acquainted with the Oswego starch factory?—A. I am acquainted with the proprietor of it and the factory where it is.

2154. Q. How long has that establishment been running?—A. Thirty years, I should think.

2155. Q. For the last five years, about how many men have been employed there?—A. Somewhere about five hundred, sometimes more.

2156. Q. During the past five years or longer have you paid attention to politics to any considerable extent?—A. Yes, sir.

2157. How far do you live from the starch factory?—A. I should say, roughly, about sixteen hundred feet.

2158. Q. State whether for the last five years and longer has there been a general understanding that all men working in the starch factory were compelled to vote the Republican ticket?

(Objected to as improper, incompetent, and irrelevant. Notaries disagree; S. M. Coon against admission.)

A. That is the understanding among us Democratic political men.

2159. Q. Has there or has there not been a general repute for the last fifteen years that all persons working in the starch factory were compelled to vote the Republican ticket?

(Same objection, same result.)

A. There has been and is now.

2160. Q. Has there been a public rumor or repute as to what the consequences were to any voter working in the starch factory who voted against the Republican ticket on election day?

(Same objections and that it is hearsay, and same result.)

A. The understanding is that any man who voted against the Republican ticket will be discharged.

2161. Q. Have cases come to your knowledge in which men have been discharged thence for voting against the Republican ticket?

(Same objections, same ruling.)

A. Yes, sir.

2162. Q. Will you state whether this general understanding that they will be discharged for not voting the ticket is generally reported and understood among the men working in the starch factory?

(Same objections and same disagreement.)

A. Yes; so far as I hear from themselves.

2163. Q. Have you heard many of the men in the starch factory say that?

(Same objections and same disagreement.)

A. I have some at different times.

2164. Q. Which ward is that starch factory in?—A. The fifth.

2165. Q. You said there were about five hundred men working in the starch factory. Do you know what proportion of them are voters?

(Objections same as above and is hearsay, and there is better evidence; same disagreement.)

A. Of the men most all of them are voters.

2166. Q. How many of them usually voted in your ward?—A. I can't say.

2167. Q. Can you tell about the number?—A. Probably thirty or forty.

2168. Q. Can you tell how many there were last fall?—A. I don't know.

2169. Q. Will you state whether the starch-factory voters uniformly voted the Republican ticket in your ward?

(Objected to as above; same disagreement.)

A. Yes.

2170. Q. Do you know as to whether any of them are or were last fall privately avowed Democrats or Greenbackers?

(Same objections and same disagreement.)

A. Can't answer as to last fall.

2171. Q. How was it previous to last fall, and within the last two or three years?

(Same objections and same disagreement.)

A. Men who were in the employ of the factory for the last two or three years have told me that they would vote the Democratic ticket if they dare, but should they vote and it became known that they had voted the Democratic ticket they would be dismissed.

2172. Q. Any considerable number of men told you that?—A. At different periods, quite a number told me that.

2173. Q. Is there any reason why you do not know how it was last fall? and, if so, state it.—A. I was sick, and unable to be out in two months.

2174. Q. Do you know anything about the system of the starch-factory voters being watched at the polls and on their way to the ballot-box?

(Objected to, and that it should be confined to the last Congressional election; same disagreement of notaries.)

A. I do.

2175. Q. Will you state what that system is and has been for the last eight or ten years?

(Same objections and same disagreement.)

A. The system pursued by the factory, by that I mean Kingsford's foremen, has been, as much as possible, to have one of their men appointed inspector of elections; they have always had a foreman standing at the polls; they have also had as high as some seven, or eight, or nine, and sometimes more than that, who were stationed in the vicinity of the polls, and some of them scattered on the street up from the polls toward the starch factory. Speaking for myself, I have walked up to meet starch-factory men when they came up to vote, to solicit them to vote the Democratic ticket; and they give me an answer, most invariably, that they would like to vote the Democratic ticket but dare not. I have offered them Democratic tickets with Republican headings, saying to them that the ticket being like the Republican ticket they would not be suspected of voting the Democratic ticket. They said they dare not take a ticket from me, as there were so many of the bosses around they would be noticed. Those men, if they did not have their ticket in their hand, they got them of Mr. Sumner, Mr. Southwick, Mr. Rasmussen, Mr. John Roach, or some other recognized foreman in the starch factory. I have solicited those men, Democrats I mean, the past few years, in the same manner, to vote the Democratic ticket. They have invariably told me that they dare not vote the Democratic ticket, for, should it become known, they would be sure to lose their places. An old Dem-

ocrat belonging to the factory had been in the habit of getting a ticket prepared for him that he might vote the Democratic ticket; as he was coming up to the polls, he came up to me with tears in his eyes, he was crying, and says to me, "I have got to vote the Republican ticket; I can't take the ticket from you." I offered him a Democratic ticket, and he did vote the Republican ticket.

2176. Q. Were Mr. Sumner, Southwick, Rasmussen, and John Roach, whom you have named, bosses or foremen in the starch factory or men holding other positions of trust there?—A. Yes, sir.

2177. Q. Can you state what positions they are in?—A. Mr. Southwick has a contract for making boxes in the box factory connected with the starch factory; that is my understanding of it; Mr. Rasmussen has some contract in regard to putting up starch, I think; Mr. Sumner has to do with the shipping of the starch; and John Roach is a general foreman odd jobs and he has charge of a gang of men.

2178. Q. Is there uniformly one or more of these men usually at the polls peddling tickets?—A. Usually, all; uniformly one or more.

2179. Q. Do you know as to their general politics?—A. Until about the time Mr. Sumner went to work at the starch factory he was a Democrat; the others were Republicans.

2180. Q. When did Sumner go to work in the starch factory?—A. Fifteen years, I guess; maybe more.

2181. Q. Do you know as to this watching of voters so far as regards the fifth ward?—A. No, sir; I do not; never leave my own polls.

2182. Q. Do you know whether it is generally understood and reputed that this same system of watching starch-factory voters at the polls by starch-factory bosses has been for several years carried out in all the wards of the city?

(Same objections and disagreement.)

A. Among Democrats that is so; I never talked with Republicans on the subject.

2183. Q. Who is the president of the starch-factory company?—A. A doctor somebody, of Auburn; don't remember his name; he don't reside in Oswego.

2184. Q. Who is the general manager at Oswego?—A. In the city of Oswego, Mr. Thompson Kingsford.

2185. Q. How long has he had the general management of the factory?—A. I can't tell how long, for he may have had the management before his father died.

2186. Q. How long has he or his father had the general management of it?—A. His father had it ever since it was organized until near his death, and afterward Thompson, and both of them have had it all the time.

2187. Q. When did his father die, about how many years ago?—A. Maybe six or seven years ago; maybe more. I don't remember exact date.

2188. Q. Since his father's death, has Thompson Kingsford had the exclusive control of the starch factory at Oswego?—A. So I have understood.

2189. Q. Do you know, from general repute and understanding, that Thompson Kingsford was solicitous for Mr. Mason's election last fall?

(Objected to as above; disagreed as above; S. M. Coon for sustaining the objection.)

A. In relation to Mr. Mason in particular, I say no.

2190. Q. Do you know, from general repute and understanding, that Thompson Kingsford was anxious last fall for the election of the entire

Republican ticket, including Mr. Mason?—A. I do not from *general* repute and understanding; I was not on the street but a few times. I was sick.

2191. Q. Do you know from reputation whether Thompson Kingsford was desirous that the Republican ticket, including Mr. Mason, should be elected at the last election?

(Objected as above; disagreed as above.)

A. Yes.

2192. Q. Will you state who this restraint over voters at the starch factory has been attributed to, by general repute, since the death of Mr. Kingsford's father?

(Objected to as above.)

A. To Thompson Kingsford.

2193. Do you know who has the power of discharging men in the employ of the starch factory; and, if so, who?—A. I understood, and always have understood since that old gentleman's death, that Thompson Kingsford, either personally or through his foremen, discharges them.

2194. Q. Do you know whether Thompson Kingsford has had other men in his employ besides those working in the starch factory, for the last four or five years?—A. Yes.

2195. Q. About what number?—A. I can't say exactly; sometimes had from fifty to a hundred men, on the farms and on the highway and other works. I think I counted 75 men carrying dirt on to the coffer-dam out of the canal. Some years he has a good many; some less.

2196. Q. Will you state whether there has been a general repute and understanding that all the voters in his employ were required to vote the Republican ticket at all elections?

(Same objection and disagreement.)

A. Among Democrats that is the universal repute. I haven't talked with Republicans about it.

2197. Q. Have any investigations been made, by Democrats, by committees, or otherwise, to ascertain that fact? And state what investigation.

(Objected to; disagreed as above.)

A. For several years I employed a person to take a canvass of the old and new third ward, before their division and since, of the voters in the ward and of their political status. We have found it necessary to make a distinct list of all those belonging to the starch factory separate from the others, the result of which we found in every case when the party was Democratic in principle and usually voted the Democratic ticket, they were compelled to vote the Republican ticket, so they stated. I had as perfect list as I could made out of the starch factory men on the poll-lists. I either saw them myself or employed some Democrat to see them, to see how they were going to vote, to ascertain whether they were going to vote the Democratic ticket or not. With rare exceptions (they were sorry to do so) they said they would have to vote the Republican ticket. Some who did vote the Democratic ticket were shortly dismissed from service.

2198. Q. State whether the employés in the starch factory, who uniformly vote the Republican ticket, are usually kept in steady employ for a long term of years.

(Same objection; same disagreement, and is impertinent.)

A. Very seldom a Republican is discharged to my knowledge; so far as I am aware, they are kept in steady employ.

2199. Q. What country man is Mr. Kingsford?—A. He is English,



2345. Q. Was there a table at or near the entrance to the drill-room in the hall-way?—A. There was not.

2346. Was there a table in the drill-room upon which Republican tickets were placed and Democratic tickets for distribution?—A. Not both on one table.

2347. Q. Was there separate tables?—A. There was.

2348. Q. Describe the place where the ballot-box was kept, and how the same was approached from these two tables, and what position Crofts and Corner occupied in relation to these tables.—A. The Republican table stood near the foot of the stairs, in nearly a direct line from the entrance and east of the polling-place. The Democratic table stood against the partition or wall, probably about six feet north of the polling-place. From the Republican tables of course they would go west to the polling-place, and from the other table of course they would go south. Corner sat at the Republican table most of the time. Crofts was between that table and the polling-place.

2349. Q. Mr. Crofts, then, was nearest to the ballot-box?—A. He was at the table and at the ballot-box just as business called him.

2350. Q. Was either one of the gentlemen you have named an inspector or clerk of the election?—A. No, sir.

2351. Q. And were they not stationed in such a position that they could see every person entering the room and approaching the ballot-box, and how they voted?—A. Corner was not, but Crofts could see who entered the room, and he could see who voted.

2352. Q. Were they distributing Republican tickets that day?—A. Corner was at the table where they were folding Republican tickets. Crofts was out on the floor, and it is my impression that he was peddling tickets, but I am not certain on that point.

2353. Q. And did you or did you not observe either of them having a poll-book and checking off the names of the voters who were in the employ of Thompson Kingsford as they voted, or a memorandum book used to the same purpose?—A. I did not.

2354. Q. Have you had the means of knowing the system employed by Mr. Kingsford among his employes as to their voting and how they voted?—A. I have no means of knowing the system only by hearsay.

2355. Q. Have you conversed with men in his employ about that system?—A. I have, some.

2356. Q. And were those persons then in his employ when you conversed with them?—A. They were.

2357. Q. And did they explain the same to you?—A. They did not, to give me to understand it. They said it was a forbidden subject.

2358. Q. Do you know one Samuel C. Albro?—A. Yes; I know him.

2359. Q. Has he, prior to this, been in the employ of Mr. Kingsford?—A. Yes, sir; at the starch factory.

2360. Q. Have you also conversed with him upon that subject?—A. I have, some.

2361. Q. Have you for several years last past, and while he was in the employ of Mr. Kingsford, observed Mr. Albro around the sixth ward polls on election day?

(Objected to; notaries disagree.)

A. I have.

2362. Q. And have you noticed his actions upon those occasions?

(Objected as above; same disagreement.)

A. I have.

2363. Q. Has there or has there not been public rumors for several years last past, up to and including last fall's election in this city, about

persons in the employ of Mr. Kingsford being compelled, by reason of a system he had inaugurated, in having men in his employ watched at the polls to see that they voted the Republican ticket, and that if they did not so vote they would be discharged, up to and including last fall?

(Objected to; notaries differ; Coon for rejection of evidence.)

A. It was.

2364. Q. From what you have had the means of seeing, and from what you have observed, and from what you have learned of the starch-factory system, do you not believe the reports or public rumors that have been rife in the community about the persons employed upon the starch factory being compelled to vote the Republican ticket or lose their situations?

(Objected to as immaterial; notaries differ; S. M. Coon for rejection of the evidence.)

A. I believe them to be true.

2365. Q. From what you have learned from conversations with employés in the starch factory, and from what you have observed on election day of the actions of employés, and from the actions of those stationed at the polls, can you tell what they were there for?

(Objected to; same disagreement.)

A. They were there to watch the men employed by the starch factory or by Thompson Kingsford.

2366. Q. You may state what you have learned in your conversations with starch-factory employés what system, if any, exists and has existed for several years last past as to their voting.

(Objected to as above; same disagreement.)

A. I don't remember conversation with employés except Albro, and except as already stated.

2367. Q. Did you learn anything of the system from Mr. Albro?—A. No, sir; I did not.

2368. Q. From what you have observed at the polls on election day, state the acts and conduct of the employés stationed at the polls and what, if you know, they were there for, and state the general practice as followed at the last election.

(Objected to as above; same disagreement.)

A. They are stationed there to watch employés of the starch factory as to how they vote. When the system was first introduced here, we have often tried to change the tickets after they had got them from these spotters; they said they dare not do it because they were watched. For that reason for late years we have not tried to interfere with men working at the starch factory. We set it down that they had got to vote for the Republican ticket and that was the end of it; and that it was doing them an injury to interfere with them.

(Counsel for contestee asks to strike out all the answer after the words "When the system" as not responsive; notaries disagree; Coon in favor of striking out.)

2369. Q. And was that the same system and conduct of the starch factory last fall?—A. It was.

2370. Q. Did you ever have any conversation with Mr. Albro about what he was at the polls for while he was in the employ of the starch factory? If yea, state when it occurred.

(Objected to as immaterial and incompetent and hearsay, and that Albro is a witness notice of whose examination has been given by the contestant, and his statement, if material, should be given on his own oath. Same disagreement.)

A. I did. I don't know as I could; I think it was two years ago last fall; it might not have been over a year.

2371. Q. State what Mr. Albro said he was there for, and further, what he said about pay.

(Objected to as above; same disagreement.)

A. Mr. Albro at this time was standing close up to the polls. There were some employes of the starch factory just voting at that time, and I made the remark to him, "I see you are here again to watch the boys." He said, "Yes." I remarked, "I shouldn't like that kind of business." He replied that he would just as leave stand there, and that the pay was the same as if he was over at the factory to work. That was all that occurred that time that I remember of now.

2372. Q. And how have these men voted since you have observed them?—A. They voted the Republican ticket.

2373. Q. What, if anything, do you know from public rumor last fall, and for several years last past, about this system as applied to the respective wards throughout the city?

(Objected to as immaterial, irrelevant, and incompetent; same disagreement.)

A. That men that went to work there had to vote the Republican ticket or lose that employment or work.

2374. Q. And have not those reports been current upon the public streets for several years past?

(Objected to as above; same disagreement.)

A. They have.

2375. Q. What, if anything, do you know by public rumor about Mr. Kingsford being in the habit of, and also giving active employment to a large number of laborers just prior to elections, and then discharging them just after the election, last fall and for several years last past?

(Same objection and disagreement.)

A. I have heard such rumors, but know nothing of their truth, of my own knowledge, last fall and for several years past.

2376. Q. Have you heard such rumors prior to last fall's election?

(Same objection; objection sustained.)

2377. Q. Have all these rumors above referred to that you have spoken of been common talk among the voters of the city of Oswego, upon the public streets of the city, and were they so last fall?

(Objected to; same disagreement; Coon for exclusion.)

A. They were.

2378. Q. Have you been in the habit of being about the works of Mr. Thompson Kingsford more or less for a year or more last past?—A. Not any, with the exception of the new building going up last fall; I was there two or three times. I have been at the starch factory occasionally. I haven't been inside. They don't allow anybody in, except on business, and I never called there except on business, and that not very often.

2379. Q. From common talk among the people, and what you have seen and observed, state about the number of men usually employed by Mr. Kingsford in the starch factory, and also state the same as to the number in his employ just prior to the election last fall.—A. I don't know anything of my own knowledge, but judging from what I have seen years back of the factory alone, that they usually employed from four to five hundred men; last fall the whole employment, I should think, would be near one thousand, judging from the numbers employed in the building.

2380. Q. From the size of the building that Mr. Kingsford had commenced to erect on West First street, just prior to the election, was there not an extraordinary number of mechanics and laborers used there in its erection?—A. Take it as a business transaction, and the weather that there was last fall, I think Mr. Kingsford didn't have any more men than he needed on that building.

2381. Q. Were not the most of the men so employed, employed just prior to the election?—A. I think not; but near election every man was put on that they could get, because the weather was very bad.

2382. Q. Have you known, or have you learned by common talk, that men of known Democratic predilections have voted the Republican ticket after entering the employ of Thompson Kingsford?

(Objected to as above; same disagreement.)

A. I have heard and I have known some cases; and heard by common talk of others.

2383. Q. Have you known, of your knowledge, and have you learned by common talk and by learning of specific cases, that men have been discharged from Mr. Kingsford's employ by reason of the fact that they voted the Democratic ticket?—A. I have heard such talk. I know of none of my own knowledge; I have heard of such cases; but within the last four or five years, since the hard times began, I have heard of but one specific case.

2384. Q. From public report or from common talk is it understood that persons entering the employ of Thompson Kingsford are given to understand by some means that they are to vote the Republican ticket?

(Objected to; same reasons; same disagreement.)

A. It is.

2385. Q. Can you now give the specific case referred to by you, as being discharged for voting the Democratic ticket; and if yea, give it.—A. His name was Lee. I can't give his first name; he lived in the fourth ward.

2386. Q. Can you now name any other person or persons who were discharged from the starch factory by reason of voting the Democratic ticket? If yea, give name.

(Objected to as above; same difference.)

A. I could not give any more.

2387. Q. Since the system spoken of by you has been adopted by the Oswego Starch Factory, have you learned of any person or persons having been instructed or notified that they must vote the Republican ticket? If yea, give the name or names of the party or parties, and under what circumstances they received such notice.

(Objected to as above, and also that the question is improper, in that it implies that some system in respect to elections has been adopted by the Oswego Starch Factory, of which there has been no evidence in this contest. Same disagreement.)

A. I have. Thomas Collidge was told by Thompson Kingsford that if he worked there he was expected to vote the Republican ticket. Collidge told him, if that was so, they might as well pay him. The result of that was, that he didn't vote at all at that election, but continued on to work till the next election. Then he was told again by Thompson Kingsford. The answer he made him then was that he must vote the Republican ticket if he expected to work there. Collidge replied that he wasn't working for him, that he was working for Thomas Kingsford, that was the old gentleman, the witness says. Then Mr. Thomas Kingsford replied that that was his views of that matter; and Collidge made

the reply to them that he supposed he might as well quit, or to that effect. I don't remember anything further.

2388. Q. Do you know any other facts and circumstances connected with or relating to the management or system by Thompson Kingsford towards the voters in his employ in controlling their votes more than you have stated?—A. I do not, sir.

Cross-examination on the second deposition :

2389. Q. Where does Collidge live?—A. On East Twelfth street, between Mohawk and Orville streets.

2390. Q. What is his occupation now?—A. He is a gardener, I believe.

2391. Q. How long since he has been employed in the starch factory?—A. Probably eight or nine years ago, when old Mr. Kingsford was employing.

2392. Q. How lately have you seen him?—A. I have seen him to-day.

2393. Q. Have you any personal knowledge of the truth of the story you have told in regard to Mr. Collidge?—A. I have not.

2394. Q. From whom did you get your information?—A. A part of it from Mr. Collidge and a part of it from John Himes.

2395. Q. When did you get this story from Collidge?—A. It was within a week, I should think; it was within seven days.

2396. Q. When did you hear from John Himes about it?—A. I was talking to him to-day about it.

2397. Q. And is to-day the only day you have spoken to John Himes on the subject?—A. Yes.

2398. Q. And was it within the week that you first heard from Collidge on this subject?—A. Yes.

2399. Q. Then all that you heard on this subject you heard since the examination upon this contest began?—A. Yes, sir.

2400. Q. And it was all, too, since your last examination here?—A. It was, sir.

2401. Q. Did he come to see you or you go to see him?—A. We accidentally met, and got to talking about this matter; we met near my house.

2402. Q. Have you been looking up persons and talking with them since this examination began?—A. I have not.

2403. Q. To whom, if any one, have you told this story before you told it here, and when?—A. I told it to Mr. Baker here, since I came from dinner.

2404. Q. At what election was it that Collidge told you he had either of these conversations with Mr. Kingsford?—A. That I couldn't tell you; I didn't ask him.

2405. Q. How long was the last of these before he quit work at the starch factory?—A. I couldn't tell; I don't know.

2406. Q. Did he say that he quit work on the second of these occasions?—A. He did not.

2407. Q. Then, so far as you have any knowledge, he was not discharged for not voting the Republican ticket?—A. Not so far as I have any knowledge.

2408. Q. Where is the building situated that Mr. Kingsford was engaged in building last fall?—A. On the corner of Genesee and West First streets.

2409. Q. For whose use did you understand he was erecting it?—A. O. M. Blanchard & Co.

2410. Q. They are manufacturers, are they not, whose place of business was burned last summer?—A. Yes, sir.

2411. Q. They employed some one to two hundred men, did they not?—A. That would be my judgment.

2412. Q. After they were burned out they found it very difficult to find a place to resume their business?—A. So I understood.

2413. Q. And did you not understand that for that reason they were talking of leaving the city?

(Objected to as not in issue.)

A. That was the common talk; so I understood.

2414. Q. And was there not a good deal of anxiety felt on this subject in the city?—A. Apparently there was. It was spoken of in the papers and talked of around town.

2415. Q. And did you not understand that a committee of manufacturers of the board of trade waited upon Mr. Kingsford to solicit his aid in furnishing a building for O. M. Blanchard & Co.'s accommodation?—A. I don't remember that.

2416. Q. You did understand that Mr. Kingsford commenced this building for their accommodation?—A. I did.

2417. Q. The building was commenced late in the season for a building of its extent, was it not?—A. In ordinary seasons it might have been inclosed.

2418. Q. Did you not understand the work was being pressed, if possible, to get it inclosed before the close of the season?—A. I did.

2419. Q. Was the season a favorable or unfavorable one for this work?—A. Unfavorable.

2420. Q. And were they able to get it inclosed before the work was stopped before the winter?—A. They did not get it inclosed.

2421. Q. From the time that the building was commenced until they quit work did you not understand that the work of building was pressed forward by all means possible?—A. I did.

2422. Q. Do you know at any time of an unnecessary man employed there?—A. I do not.

2423. Q. Do you know of a single person having been discharged there from work whose labor could have been continued to advantage?—A. I do not.

2424. Q. Have you heard of such a one?—A. I have not.

2425. Q. Do you know John Barnett, of the first ward?—A. I do.

2426. Q. He is an active and influential Democrat, is he not?—A. Not that I know of. I never knew he was a Democrat. He is a Republican, I have always understood.

2427. Q. Do you know John Ratigan?—A. Yes, sir.

2428. Q. He is an active, influential Democrat, is he not?—A. I hardly know what to call him. He is mixed; generally recognized as a Democrat. I understand him now to call himself a Greenbacker.

2429. Q. And was he not one of the foremen in this job of building?—A. I saw him there employed as such.

2430. Q. Do you know Charles T. Newell?—A. I do.

2431. Q. He was Greenback candidate for the nomination for sheriff last fall, and also Greenback nominee for county treasurer last fall?—A. He was.

2432. Q. He was also a foreman on this job?—A. I did not see him there. I so understood.

2433. Q. Do you know Aaron Colnon, who, I understand, had charge of a part of the work in that building?—A. I do.

2434. Q. He is an active Democrat, is he not—has been a Democratic alderman in this city?—A. He has been a Democratic alderman of this

city. I don't know now. There have been a great many political changes late years.

2435. Q. Have you heard of any change in his politics?—A. I have heard of his voting for men not Democrats. That's all I know about it.

2436. Q. Do you know Philip Turner?—A. Yes, sir.

2437. Q. What are his politics, Democrat or Republican?—A. I don't know; never heard him say a word about it.

2438. Q. In what ward does he live?—A. I don't know.

2439. Q. Was he one of the foremen in this work?—A. He was.

2440. Q. Do you know James L. Quigg?—A. I do.

2441. Q. What are his politics?—A. Democrat, I believe.

2442. Q. Was he a foreman, too, on this work?—A. He was.

2443. Q. And has he not been employed for years in the Oswego Starch Factory, too?—A. Occasionally.

2444. Q. Except these persons whom I have named, can you name any one who had any position of influence upon that work?—A. I don't know as I can. I saw one Bruno measuring and laying out work; but whether he had any position then I don't know. I see Mr. William Brady. I think he was acting as foreman there. Brady was a Republican.

2445. Q. Now, who have you heard say that any men were employed or discharged about election time?—A. I never heard any one.

2446. Q. Do you know of any work going on last fall that Mr. Kingsford was connected with except the work at the starch factory and the work on this building?—A. I do not.

2447. Q. Do you know of any work in any year previous to last fall which was going on at election time and with which Mr. Kingsford was connected, except the work at the starch factory?—A. I don't; might have been, but don't remember.

2448. Q. Do you remember now to have heard of any such?—A. I don't remember.

2449. Q. As a general thing are not the men who are employed at the starch factory permanent in their employment?—A. I think they are.

2450. Q. Do you not understand that employment is valued there because of that characteristic of permanence?—A. I do, and it is a good place to work.

2451. Q. Have you ever heard of men being employed just before and discharged immediately after election at the starch factory?—A. I have heard such reports.

2452. Q. When did you hear such a report and from whom?—A. I couldn't tell when, nor from whom.

2453. Q. Can you tell any time when you heard or any person from whom you heard any rumor of that kind?—A. I couldn't tell.

2454. Q. Can you tell when you last heard any such rumor?—A. I could not.

2455. Q. Have you heard any such report within the last year?—A. No, sir; not that I remember of now.

2456. Q. Are you acquainted with Mr. Thompson Kingsford?—A. No, sir; I am not personally.

2457. Q. You understand him to have the entire charge of the starch factory work and all its connected industries, do you not?—A. I have always so understood it.

2458. Q. And do you not so understand that he is one of the hardest-worked men in this city?

(Objected to as improper, incompetent, irrelevant, and immaterial. Notaries disagree; Coon for admission.)

A. I do not.

2459. Q. Do you not understand that, with his business, he is fully occupied from morning to night and throughout the year?—A. I know he must be so occupied; I have no personal knowledge.

2460. Q. Have you ever seen him at any political meeting or heard of his being at such?—A. No, sir; I have not.

2461. Q. Have you ever seen him at any public meeting in the city?—A. No, sir; I have not.

2462. Q. Since his father's death, have you ever heard of his absenting himself from the factory for two days at a time?—A. I have heard he was in Philadelphia in 1876, quite a length of time. I do not now remember any other occasion.

2463. Q. He was a leading exhibitor at that exhibition, as you understood?—A. Yes, sir.

2464. Q. Your own politics are Democratic, and have been since you became a voter?—A. Yes, sir.

2465. Q. And when in the city you have always been accustomed to spend the election day at the polls, have you not?—A. I have.

2466. Q. What was you engaged in doing at the polls?—A. Distributing tickets and soliciting votes for the Democratic ticket.

2467. Q. You did that, too, without being employed as clerk or inspector, or in any official capacity in connection with the election?—A. I did.

2468. Q. And you esteemed it a patriotic as well as a partisan duty to do that work, did you not?—A. I did.

2469. Q. At the last November election, you was so employed in your ward?—A. I was.

2470. Q. Was you in any other ward of the city on that day during the hours of election?—A. I was not.

2471. Q. Was the same thing true with the years previous to the last that you spent the hours of election in your own ward?—A. It was.

2472. Q. You have no personal knowledge, then, as to what was going on in other wards of the city on election day?—A. None at all.

2473. Q. At the last November election, where were you stationed in the armory while the election was going on?—A. I didn't have any particular place; I was all over.

2474. Q. Name the voters living in your ward on the last election day who were employed in the starch factory?—A. I couldn't do that. I could name a few. Frank Mitchell, Charles O'Neil, Fred Croft, Patrick Fitz Gibbons, John Conner; I can't think now of any more.

2475. Q. Can you name another person residing in your ward at the last election, and who was employed in the starch factory?—A. I can't now.

2476. Q. What are Fred. Croft's politics?—A. Republican.

2477. Q. Have they always been so, so far as you know, and how long?—A. Ever since I have known him. I have known him six or seven years.

2478. Q. Has he been accustomed ever since you have known him to attend and do election work at the polls?—A. So far as I know, he is always there.

2479. Q. How long has he been so employed in the starch factory?—A. Ever since I have known him he has been in the starch factory.

2480. Q. What is John Conner's business?—A. He is a millwright.

2481. Q. How long has he been employed in the starch factory?—A. I don't know; I have been told about two years.

2482. Q. How long have you known him?—A. I have known him twenty years.



2483. Q. What have been his politics during that time?—A. Republican.

2484. Q. Has it been Mr. Conner's practice since you have known him to attend at the polls and assist more or less on election day?—A. Never, till he went to the starch factory, so far as I saw.

2485. Q. His position at the last election was at the table where the Republican votes were folded, was it not?—A. It was.

2486. Q. And was he engaged in assisting in the folding of Republican votes?—A. He was.

2487. Q. What other persons were seated at the same table with him?—A. I think Alderman Turner was there, of the sixth ward. I don't remember the others.

2488. Q. About how many others were seated around this table with him, and engaged in the same business?—A. There might have been three or four; I don't know exactly.

2489. Q. These persons did not distribute votes, so far as you saw, but were preparing votes for others to distribute?—A. With the exception of Conner. Certain men went to him and got tickets.

2490. Q. Name the men who went to him and got the tickets?—A. I couldn't name them. There may have been fifty and there might have been not more than a dozen.

2491. Q. Can you name one of them who went to him to get tickets?—A. I cannot.

2492. Q. Did not the other men at the table with him also give tickets to persons who asked for them?—A. I don't know; I think very likely they did.

2493. Q. Can you swear now, of your own knowledge, that Mr. Conner gave out a single ticket on the last election day?—A. I can.

2494. Q. Do you so swear?—A. I do.

2495. Q. How many tickets can you swear that you saw him give out to voters on that day?—A. I see two or three men go up to the table and one take a ticket from him. That's all I can swear to.

2496. Q. What was the name of the man who took the ticket from him?—A. I can't tell.

2497. Q. Was he a man whom you were acquainted with?—A. Some one I knew, and I knew all three of them, but I have forgotten who they were.

2498. Q. The Democrats had a table on the opposite side of the place, where persons were seated and folding tickets as at the Republican table?—A. I don't know of but one person sitting at it and folding tickets. There may have been others occasionally. That person was Joseph Myers.

2499. Q. And that person gave tickets to every one who asked for them?—A. No; not to every one who asked. He gave them to some.

2500. Q. The voters in entering the drill-room pass through a hall some twenty feet long, reaching from the sidewalk to the drill-room?—A. Yes, sir.

2501. Q. And were not Democratic and Republican distributors of tickets stationed in that hall all day long distributing tickets and offering them to every person who came in?—A. There was.

2502. Q. And other persons, both Republicans and Democrats, were distributing tickets all day long?—A. They were.

2503. Q. Did you see Frank Mitchell vote that day?—A. I can't remember now.

2504. Q. Did you see Patrick Fitzgibbons vote that day?—A. I did.

2505. What time in the day did he vote?—A. I think it was in the forenoon.

2506. Q. Do you know of your own knowledge of whom he got his ticket?—A. I do not.

2507. Q. Do you know of your own knowledge what ticket he voted?—A. I do not.

2508. Q. Did you see Charles O'Neil vote that day?—A. I did.

2509. Q. At what time of the day did he vote?—A. In the forenoon, to the best of my knowledge now.

2510. Q. Do you know of your own knowledge who gave him his ticket?—A. I do not.

2511. Q. Do you know of your own knowledge what ticket he voted?—A. No, sir.

2512. Q. What are O'Neil's politics?—A. Republican.

2513. Q. What are Fitzgibbons's politics?—A. Republican.

2514. Q. Did you see Croft give a vote to any person that day whom you can now name?—A. I did not.

2515. Q. What other Democratic distributors of tickets were on the floor besides yourself?—A. Nathan M. Rowe, one of Blanchard's workmen, whose name I don't remember now, Michael Murray, I think Peter Dowdle. I remember no others now.

2516. Q. What Republican workers were on the floor of the drill-room besides Crofts?—A. Charles Doolittle, Joseph Dempsey, Samuel Burchard; plenty of them there; I don't remember who. Mr. Turner and S. M. Tucker were there.

2517. Q. And there were others to work on the floor of the drill-room besides those you have named, both Democrats and Republicans?—A. Yes, sir.

2518. Q. Give the name of any man who ever said to you that it was a forbidden subject to talk about the system of election of the starch factory.—A. Samuel C. Albro.

2519. Q. When did he say so to you?—A. I couldn't tell when.

2520. Q. Where did he say so to you?—A. It was on the street somewhere, but I can't tell where.

2521. Q. How long ago was it?—A. Two or three or four years ago.

2522. Q. Now, give the conversation.—A. As near as I can remember, I asked him what plan they adopted to hold every man that went to work there to vote the Republican ticket. He said he couldn't tell me. I asked him why. He said it was a forbidden subject. That was all there was said about it.

2523. Q. Did you ever hear any other person speak of it as a forbidden subject?—A. I did not.

2524. Q. What were Mr. Albro's politics?—A. Republican.

2525. Q. And he knew you to be a Democrat, did he not?—A. He did.

2526. Q. Do you know whether he intended that as a joke or not?—A. I didn't think he did at the time.

2527. Q. What voter ever said to you that they dare not allow their tickets to be changed, because they were watched?—A. I couldn't tell you now, because it was a good many years ago.

2528. Q. How many years ago at least was it?—A. Well, I should judge it was eight or nine years ago. It is not very lately anyway.

2529. Q. Can you swear that anything of the kind has been said since the death of Thomas Kingsford?—A. Yes, sir.

2530. Q. How long ago was it when you saw Mr. Alro and said, I see you are here again to watch the boys?—A. I think it is within two years; but I can't tell whether at a spring or fall election.

2531. Q. Are you sure it was within two years?—A. I think I am. I don't think it was longer than that.

2532. Q. Now, was not your question put in a jesting spirit, and did he not reply in the same spirit?—A. I spoke in a pleasant spirit. I meant what I said; can't say whether he did or not. I took it he meant what he said.

2533. Q. Don't you understand that it has always been and is now a practice at the starch factory, to make no dock of time for the time the employes spend at the polls on election day?—A. I have so understood.

2534. Q. Do you know of your own knowledge of any person having been discharged from the starch factory by reason of his having voted any other than the Republican ticket?—A. I do not.

2535. Q. Where does this Lee live, whom you have mentioned?—A. He has gone away from the city, and I don't know where he lives.

2536. Q. How long since did he leave the city?—A. I can't tell you whether last summer or a year ago last summer.

2537. Q. What was his business or occupation?—A. He worked in the foundry.

2538. Q. How long was he in the employ of the Kingsford foundry?—A. I don't know.

2539. Q. Had you known of his being employed there until after he was discharged?—A. I had not.

2540. Q. How long had you known him before that?—A. I never was particularly acquainted with him. I knew him by sight for perhaps a year or a year and a half.

2541. Q. Do you know did he sometimes get drunk, or did you ever hear of his drinking to excess at all?—A. I never heard of his drinking.

2542. Q. Do you know whether he paid his debts or was a shiftless man in that respect?

(Objected to as incompetent, irrelevant, and immaterial, and it belongs to the answer.)

A. I don't know anything about that.

2543. Q. And you know nothing about his employment at the starch factory or discharge except his story to you?—A. Not at all.

2544. Q. Where did you have your conversation with him?—A. It was in the fourth ward, but on what street, Fifth, Sixth, or Seventh, I couldn't tell; but somewhere along there. I don't remember.

Adjourned to February 20, at 9 a. m.

Cross-examination of Valentine Sayler resumed on this 20th day of February, A. D. 1879, as follows:

2545.

2546. Question. Give your conversation with Lee?—Answer. There was another man with him when I came up, can't tell who. This man spoke to me, and asked me what I thought of that. I asked him of what? And he said then, "This man has been discharged from the starch factory for voting for Woodruff." Mr. Lee then said that he promised Mr. Woodruff to vote for him for alderman. His ticket was fixed for him with a Republican heading and he voted this ticket. In about ten days afterwards he was sent for by Mr. Kingsford, called out of the shop. He went to Mr. Kingsford, and he, Mr. Kingsford, said to him that he had voted the Democratic ticket. He told him he didn't; and he said you did, for I have got the ticket here in my drawer. He said as soon as he heard that, he didn't deny it any more. I think then he said he went back to the shop; and the next Saturday night, I think, he said, or in a very few days, he was discharged. That's all.

2547. Q. You know nothing of the truth of this story, except what you heard there on that occasion?—A. No, sir.

2548. Q. Have you not understood that it has repeatedly occurred that men discharged for good cause have afterwards attempted to claim that they were discharged for political reasons?—A. I have never heard any such instances.

2549. Q. Have you ever heard it or understood it as a fact, that such things as are referred to have occurred?—A. I have not so understood.

2550. Q. Have you so heard?—A. I have not.

2551. Q. Have you ever yourself been in the employ either of Thompson Kingsford or of the Oswego starch factory?—A. No, sir.

2552. You have no personal knowledge, then, whatever of the workings of this starch factory, politically or otherwise?—A. I do of its operations at the sixth ward polls only.

2553. Q. Have you any knowledge of your own that Mr. Kingsford ever interfered in person with the sixth ward polls or any election held there?—A. I have not. I have never seen him there personally.

2554. Q. Do you know of your own knowledge of his ever having authorized or directed any interference there?—A. I do not.

2555. Q. Do you know whether or not the Republican workmen in the starch factory in that ward have a political organization among themselves?—A. I do not.

2556. Q. It is usual, is it not, for each political party, just before election in this city, by their city or ward committees or otherwise, to designate persons who should attend at the polls for the purpose of distributing tickets and soliciting votes on election day?—A. It is.

2557. Q. Have you been one of the persons usually so designated in your ward in behalf of your own political party?—A. I have.

2558. Q. And persons not so designated are engaged in the same work more or less on every election day?—A. They are.

2559. Q. Have you any knowledge as to whether Mr. Corner or Mr. Croft had been so designated for the work at which they were employed at the polls by their political friends?—A. I have not.

2560. Q. You don't understand that their acceptance of employment in the starch factory deprived them of any of their political rights, or relieved them of any of their political duties, that is, these two men?—A. No; I do not.

2561. Q. And they had the same right to distribute tickets and solicit votes at the polls that you have?—A. Yes, sir.

2562. Q. Can you name now any other person employed in the starch factory who voted at the sixth-ward poll last November besides those you named in your examination yesterday?—A. No, sir; I cannot.

2563. Q. Can you name now any persons with whom you have had conversations on the subject of discharges from the starch factory for political reasons, or of persons employed in the starch factory being required to vote the Republican ticket, and at the time of such conversation were or previously had been employed by Thompson Kingsford or in the Oswego Starch Factory, except Coolidge, Lee and Albro?—A. I don't think of any other one now.

2564. Q. You do not think of any other?—A. I do not.

2565. Q. On reflection, did you ever have any conversation with Coolidge on those subjects?—A. Not that I remember of now.

2566. Q. You were mistaken, then, in your evidence that you had received the information in respect to Coolidge from himself?—A. I was.

2567. Q. Did you volunteer this morning information as to your mistake?—A. I did.

2568. Q. Aside from persons who were or had been in the employ of Thompson Kingsford or of the Oswego Starch Factory, who do you remember at any time before this contest began, and who was not himself an active worker in the Democratic party, to have claimed that Thompson Kingsford or the Oswego Starch Factory interfered with the action of their men on the election day?—A. I can't.

2569. Q. Can you name any person, aside from those you have named, with whom you have conversed on that subject before this contest commenced, and within the last two years?—A. I cannot.

2570. Q. The directors of the Oswego Starch Factory live mainly in the city of Auburn, in the adjoining county of Cayuga, and about forty miles from this city?—A. I have so understood it.

2571. Q. Do you not so understand that Nelson Beardsley, of Auburn, is the vice-president of the factory, and one of its largest stockholders?—A. I don't know anything about it; I think it would be my impression.

2572. Q. And is not Nelson Beardsley a decided, active, and influential Democrat?—A. I don't know anything about it. I've a faint impression that I have heard that he is a Democrat.

2573. Q. And is not his son also, the treasurer of the starch factory, an active and influential Democrat?—A. I don't know.

2574. Q. And was not John N. Chedell, of Auburn, who was a director in the Oswego Starch Factory for many years and until his death, an active Democrat of State-wide reputation?—A. I don't know anything about him. I always supposed he was a Democrat.

Redirect examination :

2575. Q. Do the parties John H. Chedell, Beardsley and his son, and Willard reside in the city and county of Oswego, or in this Congressional district?—A. They do not.

2576. Q. The Mr. Sharpe spoken of as being one of the bosses or foremen in Mr. Kingsford's new building on West First street—is he not known as a leading Republican, and one of the bosses in the starch factory?

(Objected to, that no such person has been named either in the direct or cross examination of this witness.)

A. I have heard of such a man but don't know him.

2577. Q. The Mr. Rattigan spoken of by you as being one of the bosses upon that building, do you know or have you heard as to whether or not he voted on election day?

(Objected to as immaterial and incompetent and irrelevant, and there is better evidence. Notaries differ. Coon for exclusion.)

A. I don't know anything about it. He don't live in my ward. I never heard a word till last night, when I heard from you.

2578. Q. You have answered on cross-examination that Charles G. Newell, one of the bosses on this building on East First street, was a Greenback candidate for sheriff and nominee for treasurer. Did he or did he not run upon that ticket for that office?—A. To the best of my belief he did not.

2579. Q. Can you answer as to whether or not just prior to election Mr. Kingsford employed a large number of men in quarrying stone?—A. I do not know.

2580. Q. Is it not a fact that you are able to tell the starch factory employés in the sixth ward when you meet them and see them at the

polls, although you are not able now to give their names from recollection?—A. I know them when I see them at the polls.

2581. Q. Have you not, in fact, heard common talk upon the public street within the past year in reference to the starch-factory system of voting?

(Objected to.)

A. I think I have.

2582. Q. Was the first you knew of Corner becoming active at the polls the time he was first employed in the starch factory, or about the time you first learned he was employed there?

(Objected to.)

A. I don't remember what election I was told; but when he was first folding tickets I was told that he was employed in the factory. That's all.

2583. Q. You may explain what you may know in reference to Charles O'Neil voting the Republican ticket.

(Objected to.)

A. I judge from the Republican heading of his ticket and knowing him to be a Republican.

2584. Q. From common repute of the starch-factory system, and from what you have seen at the polls, are you convinced that the story in regard to Mr. Lee's discharge was true?

(Objected to as immaterial, incompetent, and improper. Notaries disagree; Coon for admission.)

A. I know nothing to the contrary; and, at the time, had no reason to doubt it.

#### Recross-examination:

2585. Q. Mr. Woodruff was a nominee for alderman in the fourth ward at the time spoken of by Lee?—A. He was nominated as such.

2586. Q. How long ago was that?—A. Two years this coming March or spring.

2587. Q. Did not Mr. Kingsford give to Mr. Woodruff the contract for building a new house for him the same year?—A. I don't know anything about it. I don't remember to have heard anything about it.

2588. Q. The fourth ward is on the opposite side of the river from the starch factory and from the side on which Mr. Kingsford resides?—A. It is.

2589. Q. Was there any unusual interest attached to the ward election that spring?—A. Nothing uncommon, more than usual, that I remember of.

2590. Q. The fourth ward in its politics is very evenly balanced, and rather inclined to be Democratic?—A. Rather Republican; about forty Republican, I think.

2591. Q. Was Mr. Woodruff not beaten for alderman by nearly two hundred, was he not?—A. He was beaten by an unusually large vote. I don't remember how many.

2592. Q. Do you know of a half dozen employes of the starch factory, or of Thompson Kingsford, in that ward?—A. I don't know anything about it.

2593. Q. Do you know or have you heard of a single one discharged there except Mr. Lee?—A. I have not heard anything about it.

2594. Q. At the close of an election it is usual to destroy the ballots voted at an election?—A. I don't know anything about it. I believe so.

2595. Q. The ballot-boxes used in this city are wooden boxes, with a hole in the cover sufficiently large for the ballot to be slipped through it?—A. Yes, sir.

2596. Q. The ballot is received from the voter by one of the inspectors of election, and by the inspector slipped through the hole in the cover and deposited in the ballot-box?—A. It is.

2597. Q. And from that time until the boxes are opened for the purpose of counting at the close of the day the ballot is invisible, is it not?—A. It is.

2598. Q. Of the inspectors, one is of one political party and two are of the other, are they not?—A. They are.

2599. Q. At the spring election all the officers, both city and ward, are voted for on one ticket, are they not?—A. They are.

2600. Q. About what is the number of voters in the fourth ward, as near as you can give it?—A. I couldn't tell you. Between four and five hundred, I think.

2601. Q. The ballots used by each political party are similar to each other, are they not, as a general thing?—A. Generally they are.

2602. Q. Did Mr. Lee explain to you how Mr. Kingsford had been able to identify his particular ballot among the four or five hundred in that ward, and to rescue it from the general destruction?—A. He did not explain.

2603. Q. Didn't it strike you as a little unlikely that Mr. Kingsford, with the great weight of business engagements resting upon him, should have concerned himself in finding out how this man voted for alderman in the fourth ward, and should have called him up and catechized him on the subject, especially when the Republican candidate for alderman had been elected by an unusually large majority?

(Objected to as irrelevant and immaterial.)

A. I did not.

2604. Q. Does not the story now strike you as a little unlikely?

(Objected to.)

A. I hardly know how to answer it.

2605. Q. Do you really believe that Mr. Kingsford, with his reputation for business sagacity and for his devotion to the interest of the Oswego Starch Factory, would have discharged for such a reason, that is, his voting for a Democratic alderman in the fourth ward in that election, from employment, a man whom he would otherwise have desired to retain?

(Objected to, as calling for belief and assuming facts not in proof here. Notaries differ. Coon for admission.)

A. If there was no other consideration, my belief would be that he would not discharge a man from his employ for voting a Democratic ticket; but from what I have seen of men employed in the starch factory, at the sixth ward polls, I think he would.

2606. Q. Have you ever known of the men employed by him and voting at the sixth ward polls discharged by him for any reason connected with politics?—A. No; not that I know of. Don't remember any.

2607. Q. Have you ever heard of any such instance, unless it be that of Collidge?—A. No, sir.

2608. Q. And did you hear that Collidge was discharged for any such reason?—A. I did not.

2609. Q. On what one of our public streets did you hear talk, common or otherwise, in reference to this starch-factory system of voting, prior to the commencement of this examination?—A. I couldn't tell any street.

2610. Q. Can you name any person from whom you heard it?—A. No, sir.

2611. Q. Can you give the time, or occasion when any such talk took place?—A. I could not.

2612. Q. Can you repeat any such talk that you heard prior to this examination?—A. No, sir.

2613. Q. Have you any knowledge as to when Corner first began to work in the starch factory?—A. I have not. Occasionally, I think, he has been employed for several years past, ever since the starch factory started, but not steady employment, and he has worked all along that race.

2614. Q. Do you know now whether he is employed there all his time?—A. No; only from hearsay.

Second redirect examination:

2615. Q. From your knowledge of the manner of casting ballots it would not be a difficult matter for an inspector of an election to mark a ballot passing into his hands from a voter, to be deposited in the ballot-box, so that it could afterwards be known.—A. No, sir. It wouldn't be a very difficult thing.

Second recross-examination:

2616. Q. Explain how it could be done so as not to attract the attention of the inspector of the opposite politics?—A. It may be done in several ways; by marking with a finger-nail, by tearing, by inking.

2617. Q. Is not the ballot usually in sight of the voter from the time it leaves his hands till it enters the ballot-box?—A. It is.

2618. Q. Did Mr. Lee, in his conversation, pretend that he observed anything like a mark on his ballot, or anything of that kind?—A. No, sir.

Third redirect examination:

2619. Q. You do not wish to say that the ballot is always seen by the voter after it leaves his hands and passes into the hands of the inspector, so that he could discover any marking of the same?—A. I know it ain't, because it is not always watched.

Third recross-examination:

2620. Q. But the ballot can be seen, if the voter chooses to watch it, in the sixth ward and others, so far as you have observed?—A. It can in the sixth ward. I don't know about the other wards.

2621. Q. Do you not understand it to be the duty of the inspectors to have the ballot-boxes so arranged as that the ballot can be seen until it is deposited in the ballot-box?—A. It is the duty of the inspectors.

VALENTINE SAYLES.

Sworn to and subscribed before us.

WILLIAM W. GREEN,  
Notary Public.  
S. M. COON, Notary Public.

*Deposition of Alexander Sammon.*

Witness being first duly sworn, deposition taken in pursuance of notice filed.

2622. Question. What is your name, age, residence, and occupation?—Answer. About the 29th of next November I shall be fifty-three years old; name, Alexander Lammon; residence, corner of West Seventh and Utica streets; occupation, carpenter on the government pier.



2623. Q. In what ward do you reside?—A. Third ward.

2624. Q. How long have you resided in that ward?—A. About twenty-two or twenty-three years.

2625. Q. Did you ever work in the Oswego Starch Factory?—A. Yes, sir.

2626. Q. When did you commence work there?—A. In the spring of 1848.

2627. Who had charge of the starch factory at that time?—A. Well, sir, Mr. Thomas Kingsford.

2628. Q. Was Thompson Kingsford in the employ of the starch factory at that time?—A. Yes, sir; he was.

2629. Q. Is he a son of Thomas Kingsford?—A. Yes, sir.

2630. Q. When did Thomas Kingsford die?—A. I could not give the year. I should think about eight or nine years ago.

2631. Q. Who took charge of the starch factory after his death?—A. Mr. Thompson Kingsford.

2632. Q. Has he continued in charge of it down to the present time?—A. He has.

2633. Q. How long did you continue to work in the starch factory after 1848?—A. I worked, first time, about five or six years. After 1848 I was obliged to leave on account of my health.

2634. Q. Did you go back there again?—A. I did, sir. The second time I went there to work was in 1868, or between 1867 and 1868.

2635. Q. How long did you continue to work there after that?—A. In the fall of 1869 I left there again.

2636. Q. Who was in charge of the starch factory then?—A. Mr. Thompson Kingsford had general charge of the factory business.

2638. Q. Did you go back to work there again after that, and when?—A. I don't know whether it was in 1873 or 1874.

2639. Q. How long did you remain after you went back there to work the last time?—A. I think I remained till the fall of 1874.

2640. Q. Will you state whether during the time you was there there was a general report and understanding among the starch-factory employes that it was necessary to vote the Republican ticket at elections in order to retain their places and be kept in steady employment?

(Objected to as irrelevant, incompetent and improper. Notaries differ.)

A. That was most generally the understanding of all steady employes of the starch factory.

2641. Q. Will you state whether that was generally the understanding and reported down to the last election in the fall of 1878?

(Objected to as above and that the witness has not shown himself competent to speak. Same disagreement.)

A. From the time I worked there in 1869, it has been the general report down to the last election.

2642. Q. What ticket did you vote when you was not working in the starch factory?

(Objected to as not material. Same disagreement.)

A. I generally voted the Democratic ticket until within the last three or four years; since when I have split my ticket and voted for the best men, in my opinion.

2643. Q. Do you mean to say when you were not working in the starch factory, in the time intervening the period when you went to work there, you usually voted the Democratic ticket?—A. I have generally until within the last three or four years.

2644. Q. Did Mr. Thompson Kingsford or any of the bosses in the

starch factory ever undertake to control your vote or suggest to you how you should vote?

(Objected to as immaterial and irrelevant, unless the inquiry is limited to last fall. Notaries disagree.)

A. He, Thompson Kingsford, did.

2645. Q. When was the first occasion you now recollect when Thompson Kingsford undertook to control your vote?

(Objected to as above.)

A. That was the second time I went to work for him, in 1868 or 1869.

2646. Q. What did he say to you?

(Objected to as immaterial, irrelevant, and incompetent. Same disagreement of notaries.)

A. I had a gang of men doing outside business, foreman of general outside work. When election day came on, of that fall, he told me to bring my men into the office that they had there. I think I had then, that morning, only about six or seven men under my charge. He told me to see that these men should go with me to the polls that morning, and that I should see that they should get their tickets from men peddling tickets there—Republican tickets—belonging to the factory.

2647. Q. Well, did you do so?—A. Yes, sir.

2648. Q. Did you get a ticket on that occasion from the same man, and who was it?—A. I did, sir.

2649. Q. Did the men who got tickets from this man also vote them?—A. Who went with me? Yes, sir.

2650. Q. Well, did you do this at any other election after that, in substantially the same way—take men to the polls to vote?—A. The last time I worked and voted for Mr. Kingsford I had no men in charge.

2651. Q. Well, what occurred on the occasion when you worked for him last and voted for him last, and give the time, if you can?

(Objected to as above. Disagreed as above.)

A. Well, the last time I worked for Mr. Kingsford and voted for him was in 1873 or 1874—I couldn't swear which—in the fall. He called on me the evening before election, when at work, and asked me to go down to the polls and peddle tickets for him, and do the best I could. I went down the next morning, and see Mr. Davis there first. He was then second or third superintendent there. I think Charley Baker was there also at the polls when I got there. I got a few tickets from Mr. Davis when I got there, and I went and put in my own vote right away, a Republican vote. Well, with what tickets I had from Mr. Davis I moved around and distributed them around, and it was about half-past ten when I got through with what tickets I got first in the morning. At that hour I went to Mr. Baker and got a bunch of tickets from him. Mr. Davis and others were standing around. I turned around and I walked up the sidewalk from the polls, and I met old Mr. Samuel Harris. I put my hand in my pocket and I handed him a ticket. When he looked at it he told me it was a black one. I supposed it was dirty. Well, I put my hand in my pocket and got another and handed it to Mr. Harris. He did not say anything about it then, and walked away. He went down to Mr. Davis and told him what I was doing; and Mr. Davis came up to me, and he says to me, "Aleck, what are you doing?" I told him I wasn't doing much at present. "Why," says he, "you are peddling Democratic tickets with Republican headings on." I says, "Mr. Davis, that can't be so. I have just been getting these tickets from Mr. Baker, and I know I have not got any other tickets around me." We searched my pockets to see if there were any more tickets of

that stamp in my pockets, and there were no more of that stamp in my pockets. I was called home to the starch factory quick as lightning. Mr. Davis, I think, told me Mr. Kingsford wanted to see me. Well, I went back home to the factory. I went into this room where they were all generally sitting and doing business on the day of elections. I sat right on one side of the room. Mr. Kingsford sat opposite me. I sat there till I got tired of sitting. Nobody spoke to me or said anything. I got up to come away. He says to me, "Where are you going?" I said, "Going home." Well, I kept walking on till I got out onto the bridge leading from the street to the factory. Mr. Spencer, I think, or Sumner, advised me to go back to work on the job I was at, and probably that it would all blow over and all come right. I made an answer, "I suppose there is no use in my going back. I suppose I shall walk the plank soon, as I did not get any examination." I took the man's advice, and went back to the job to work. There wasn't a word about it till the Saturday night following, and then I was discharged.

2652. Q. Did you ascertain from Davis at the polls there that the two tickets you had given Harris were Democratic tickets with Republican headings? State what Davis then and there said about it.

(Objected to as immaterial and irrelevant.)

A. He said so, but I didn't know whether they were or not.

2653. Q. Now what job of work were you at then in the factory?—A. I was repairing, calking and putting in planking on the new starch factory floor.

2654. Q. Was the job done when you quit?

(Objected to as immaterial. Notaries disagree.)

A. It was only just begun.

2655. Q. How long would it have taken to have completed the job?

(Objected to as above. Question overruled.)

2656. Q. Had you received encouragement, previous to that election, that you would be retained on that job for any length of time or until the job was completed; and, if so, who from?—A. When I was sent in there from outside work it looked very encouraging to me for a winter's job.

2657. Q. How many winters previous to that had you been kept in employ all winter?

(Same objection as above.)

A. I can't exactly remember, but a good many winters.

2658. Q. How long had you been to work there the last time, when you was discharged?—A. I had been to work going on two years.

2659. Q. In steady employment during the two years?—A. In steady employment when I was there.

2660. Q. Had you received any intimation or notice that you would be discharged previous to this election day?—A. I had not.

2661. Q. Did you ascertain from any source how these tickets came in your pockets? State from whom.

(Objected to.)

A. A week or so after the election I learned that Thomas Hadlow, at the time I was getting tickets from Mr. Baker, dropped these tickets into my pocket.

2662. Q. Did you attend the polls at your ward at the last election any part of the time last fall?—A. I did a few hours in the forenoon.

2663. Q. Did you see any of the starch-factory bosses peddling tickets there?

(Objected to. Same disagreement.)

A. Yes.

2664. Q. Can you name any of them?—A. I can name now only Mr. Rasmussen; I think there were others there, but I can't recollect their names.

Cross-examination:

2665. Q. You came to Oswego with Mr. Thomas Kingsford, did you not, in 1848?—A. Yes, sir.

2666. Q. You had been employed by him in New Jersey before you came here, and for how many years?—A. Only the winter of 1847; from that fall till spring.

2667. Q. What was your age when you came here?—A. I was just twenty-one.

2668. Q. How soon after you came here did you begin to vote?—A. I think I began to vote two years after I came here.

2669. Q. Then you first voted about 1850, did you?—A. I think so; yes, sir.

2670. Q. What ticket did you vote that year?—A. I think I voted the Democratic ticket.

2671. Q. What ticket did you vote the next year, 1851?—A. I think the same ticket.

2672. Q. What ticket in 1852?—A. Why, the same ticket.

2673. Q. What in 1853?—A. I couldn't swear, as I changed my vote. I don't know just what I voted.

2674. Q. What ticket in 1854?—A. That I couldn't swear.

2675. Q. That was about the time you left their employ?—A. I left their employ about the spring of the year of the big fire, July 5, 1853.

2676. Q. Now, how long was it before you again returned to the employment of the starch factory?—A. I think it was in about 1867 or 1868; couldn't swear which. I think I was fourteen or fifteen years out of their employ.

2677. Q. During those years what tickets did you vote?—A. I voted the Democratic ticket always.

2678. Q. How did you happen to say a few minutes ago that you didn't know how you voted in 1853 and 1854?—A. I couldn't give any reason.

2679. Q. How did you vote in 1855?—A. I don't remember.

2680. Q. How did you vote in 1856?—A. I couldn't tell that.

2681. Q. How did you vote in 1860?—A. I can't remember the separate years, but I always voted the Democratic ticket. I can't remember that particular year.

2682. Q. How did you vote in 1861, the first year of the war?—A. Democratic ticket.

2683. Q. What was you doing at that time, and what was your business?—A. The grocery business.

2684. Q. Was you keeping a saloon at that time?—A. No, sir.

2685. Q. Have you ever kept a saloon?—A. No, sir.

2686. Q. Have you ever had a saloon kept on your premises?—A. I have had groceries and liquors there, and a license to sell.

2687. Q. When did you first commence the sale of liquors?—A. I first commenced at Battle Island, with the Duryeas. I was there in the fall of 1853, and commenced selling in the spring of 1854.

2688. Q. When did you first commence to sell liquor on the corner of Seventh and Utica streets?—A. Eighteen or nineteen years ago.

2689. Q. Was it before or after the war?—A. It was before, I think.

2690. Q. Do you remember the election in 1864, when McClellan was a candidate for President?—A. I do.

2691. Q. What ticket did you vote that year?—A. I voted the Democratic ticket.

2692. Q. What ticket did you vote in 1865?—A. The Democratic ticket.

2693. Q. What ticket did you vote in 1866?—A. The Democratic ticket.

2694. Q. What ticket did you vote in 1867?—A. I couldn't swear. If I was not in the factory I voted the Democratic ticket.

2695. Q. Do you know what ticket you voted in 1867?—A. I think I voted the Democratic ticket in the spring. I don't know what ticket I voted in the fall.

2696. Q. What time did you go to work in the starch factory the second time; what year, and what time in the year?—A. To the best of my opinion, it was in 1867; some time in the summer.

2697. Q. What work was you set at?—A. First work I was set at was in filling up the hole by No. 2's engine-house.

2698. Q. In what capacity did you go to work?—A. Well, I had charge of the job and the men and teams working there.

2699. Q. How long did you continue in the employ of the starch factory at that time?—A. Along in 1868 and 1869, until the fall; I wouldn't swear positively.

2700. Q. What time in the fall of 1869 did you leave?—A. That I couldn't swear positively; it wasn't very late. I couldn't tell.

2701. Q. Can you give any idea as to the time?—A. I can't tell whether it was before or after election.

2702. Q. Did you leave of your own accord or because they had no further occasion for your services?—A. Because they had no further occasion for them.

2703. Q. Who was the first person connected with the starch factory who first spoke to you in respect to voting at election?—A. No one, unless in jest, until Mr. Thompson Kingsford spoke to me.

2704. Q. And when did he first speak to you about it?—A. I think it was in the year 1868.

2705. Q. Well, have you any doubt about its being in 1868?—A. I haven't any doubt but it was in 1868.

2706. Q. Who, before that, had spoken to you jestingly on the subject?—A. A man by the name of Marshall, who lives away out in the country, who worked there then, but is not there now.

2707. Q. Now, what is it he said jestingly on the subject?—A. I don't remember the words; "Well, Aleck, you have got to vote the Republican ticket this time," or something like that.

2708. Q. What year was that?—A. Well, that was in the same year, 1868.

2709. Q. You understood him to speak in jest?—A. I did.

2710. Q. Well, who else besides these two persons do you ever remember to have spoken to you about voting at elections prior to your leaving there in the fall of 1869?—A. No one but Mr. Davis.

2711. Q. When did Mr. Davis speak to you?—A. It was that morning of the election-day in 1868.

2712. Q. What did he say?—A. He asked me who sent me there, and I said Mr. Kingsford.

2713. Q. Give the rest of the conversation.—A. He said that was all right.

2714. Q. Is that all?—A. That's all.

2715. Q. Have you now given the names of all the persons with whom you had conversations on the subject of voting prior to your leaving the factory in the fall of 1869?—A. I have, to the best of my opinion.

2716. Q. And have you given all the conversations that you had with those persons, so far as you remember them?—A. I have.

2717. Q. Were not the Kingsfords, father and son, both dissatisfied with your making the sale of liquor a part of your business while in their employ?—A. No, sir; I never sold liquor while in their employ; there was one time I sold some lager-beer, I think, in the fall of 1869, while in their employ; that's my impression only; but I don't hardly think it was.

2718. Q. What time in the day was it when Mr. Kingsford spoke to you in the fall of 1868, on election-day?—A. It was in the forenoon, I think, between eight and nine o'clock.

2719. Q. I want you to give, as accurately as possible, the conversation you had with Mr. Kingsford in 1868; who spoke first?—A. Mr. Kingsford spoke first.

2720. Q. What did he say? Give his exact words as near as possible.—A. He said, "Go and get your men and bring them to this room." I did so. He said, "Go down to the polls and see that these men get tickets from the starch factory men who are peddling tickets there." ■ ■

2721. Q. Did he name any men that you were to get any tickets from?—A. I don't remember that he did.

2722. Q. What else did he say?—A. He told me to get back as soon as I could.

2723. Q. The work that you and these men were employed on was rather pressing?—A. My impression is there was something doing that wanted to be done.

2724. Q. Did you say anything in that conversation?—A. I don't remember that I said anything.

2725. Q. Now, wasn't this what Mr. Kingsford said to you as you came into the office with these men: "Take these men and go to the polls and let them vote, and get back as quick as you can?"—A. No.

2726. Q. Now, who were any of those men?—A. I couldn't tell you any of their names.

2727. Q. But they were the men who were to work under your direction on the morning of election day in 1868?—A. Yes, sir.

2728. Q. Who was the man you got your tickets from that morning?—A. I got some from Luthwick, some from Rasmussen, some from Baker.

2729. Q. Are you sure you got tickets from those three?—A. I am, sir.

2730. Q. How many men went with you to the poll?—A. Five or six, or about that.

2731. Q. Did you make any objection to taking their tickets or voting them?—A. No, sir.

2732. Q. Did you make any effort to get any tickets of a different kind?—A. No, sir.

2733. Q. When did you next go to work in the starch factory?—A. In 1873 or 1874; can't say which.

2734. Q. How long was you there at that time?—A. Best of my opinion, a couple of years.

2735. Q. What year did you leave there?—A. I couldn't swear whether it was 1874 or 1875.

2736. Q. Then it must have been either 1872 or 1873 that you went there, if you were there only two years?—A. I couldn't swear.

2737. Q. Then you can't tell what year it was you went there, or what year you left there?—A. I cannot.

2738. Q. Well, what ticket did you vote the first year you was there?—A. Voted the Republican ticket.

2739. Q. Did you make any remonstrance; and, if so, to whom?—A. No.

2740. Q. Did anybody request you to vote it; and, if so, who?—A. I don't remember as anybody did.

2741. Q. How many years have you voted for the best man without respect to politics?—A. The last three years, I think.

2742. Q. Who were present in the room with Mr. Kingsford, on the morning of election day in 1868, when you came there with the men?—A. Mr. Spencer is the only man I can remember; others were there, but I don't remember their names.

2743. Q. By Spencer, you mean the man who has been for several years employed at the starch factory, and the only man of that name in their employ, so far as you know?—A. Yes, sir.

2744. Q. Where was it Mr. Kingsford saw you on the evening before election, when you was at work there the last time?—A. At the office door.

2745. Q. Did he meet you there by chance?—A. He stood there and sent for me and I came to him.

2746. Q. Now what did he say to you, giving his exact words, as near as you can?—A. He said: "Aleck, I want you to go to the polls tomorrow morning, and do the best you can;" those are his words, as near as I can give them; "you've got some friends and perhaps you can get them to vote our ticket."

2747. Q. Was that all that was said?—A. That's all that Mr. Kingsford said to me.

2748. Q. The next day did you exchange a single word with Mr. Kingsford?—A. No; only when I was leaving the room to go home he asked me where I was going; I told him I was going home; that's the last he said.

2749. Q. And did you have any further conversation with him until after you left their employ?—A. No, sir.

2750. Q. Who were in that room with you and Mr. Kingsford that day?—A. The only man I remember there was the same Mr. Spencer.

2751. Q. And you have had no employment in the starch factory from that time until this?—A. No, sir.

2752. Q. The Mr. Samuel Harris is quite an old man now, and feeble also?—A. Yes, sir.

2753. Q. Could not read a ticket very well without glasses, could he?—A. Yes, he could then.

2754. Q. He is a man whose children have been in business for a good many years, have they not?—A. Yes, sir.

2755. Q. And a man who, from his years and apparent infirmities, would be likely to be judged by a stranger unable to read without glasses?—A. I think that would be the case.

2756. Q. Do you know whether or not you was represented to Mr. Kingsford to have attempted to palm off upon this old man a Democratic ticket with a Republican heading?—A. I don't know.

2757. Q. Mr. Harris, then, you understand to have been a Republican, do you not?—A. I always understood him to be a Republican.

2758. Q. Who told you that Thomas Hadlow put these tickets into your pocket?—A. I couldn't swear positively, but I think John Kelly.

2759. Q. The Mr. Rasmussen whom you saw at the third ward poll resides in the third ward, does he not?—A. Yes, sir.

2760. Q. And has taken an active interest in politics ever since you have known him?—A. Yes, sir.

2761. Q. And has been an active worker at the polls ever since you have known him?—A. Yes, sir.

2762. Q. How long have you known him working at the polls?—A. I have known him ten or twelve years.

2763. Q. How long was it after Mr. Davis and you examined your pockets before you returned to the starch factory?—A. About ten minutes.

2764. Q. Who told you to go back to the factory?—A. Mr. Davis told me Mr. Kingsford wanted me.

2765. Q. Had Mr. Davis been away from the polls at the time?—A. He had not.

2766. Q. Do you know of your own knowledge of any message having been sent from the polls to Mr. Kingsford or received from him in the mean time?—A. That I couldn't swear to.

2767. Q. Did you see any messenger either go or return?—A. I did not, that I remember, see any one go or come.

Adjourned to 9 o'clock a. m., Friday, the 21st February.

On this 21st day of February the redirect examination of the last witness proceeded as follows:

2768. Q. Are you now, after reflection, able to state the year in which you were discharged from the starch factory?—A. To the best of my knowledge it was the fall of 1874.

2769. Q. Was the room in which you found Mr. Kingsford, on your return from the polls, when sent back by Davis, the same room in which you found Kingsford in the fall of 1868, when you went with your men to see him on the day of election before taking your men to the polls?—A. Yes; the same room.

2770. Q. Was that Mr. Kingsford's office, in which he ordinarily did business?—A. No, sir.

2771. Q. Was it the room in which he usually staid on days of election about those times those years?

(Objected to.)

A. On election days I used generally see him use it.

2772. Q. Had the room acquired a name in the community; and, if so, what?

(Objected to.)

A. I heard it rumored around outside, they called it the confession-box.

2773. Q. Did the public rumor outside give it the name of the confession-box?

(Objected to as above.)

A. Yes.

2774.

Recross-examination:

2775. Q. Where was this room, spoken of by you, situated?—A. Situated in the southwest corner of the old starch factory, on the bridge floor.

2776. Q. Is it on a level with the street?—A. Yes, sir.

2777. Q. Was that room ever used as an office?—A. Not to my knowledge.

2778. Q. Is it a corner room in the building?—A. Not now.

2779. Q. Was it then?—A. No; it was not.

2780. Q. How near was it to the corner?—A. When the building was first built it was pretty close to the corner.

2781. Q. How near to the corner is it now?—A. The scraping-room is between that and the corner.



2782. Q. And is the scraping-room the only room between that and the corner?—A. I couldn't say, not having been there in some time. I think there is some other.

2783. Q. Was there any other room between this room and the corner in 1874?—A. To the best of my opinion there was a packing-room.

2784. Q. Are these the only rooms between this room and the corner, that were there in 1874?—A. I don't remember.

2785. Q. On which side of the scraping-room was this room?—A. On the north side.

2786. Q. And was this room next north of the scraping-room?—A. No. I think then there was some other room between.

2787. Q. Was that so in 1874?—A. Yes.

2788. Q. How many rooms were there between this room and the scraping-room?—A. I couldn't tell.

2789. Q. How many rooms were there between the scraping-room and the corner?—A. That I could not tell.

2790. Q. On which side of the building was this room?—A. On the south side of the factory.

2791. Q. How many times were you ever in this room?—A. I couldn't tell how many times.

2792. Q. Well, how many times can you swear that you was in it?—A. I couldn't swear that I was in it not over three or four times.

2793. Q. You say you were in this room on election day in 1868 and again on election day in 1874; can you name any other time when you was ever in this room?—A. No, I can't name any other time to give the dates.

2794. Q. Can you name any other time to give the occasion?—A. I remember being in there looking for something I wanted. It was used as a store-room.

2795. Q. In what year was that?—A. I can't tell.

2796. Q. Was it before or after 1868?—A. That I couldn't tell.

2797. Q. What room adjoins this room on the north?—A. Unless the mill apartment, I don't know of any.

2798. Q. What was the room used for in 1874 that adjoined it on the north?—A. Don't know. Don't remember.

2799. Q. What was the room used for in 1874 that adjoined it on the south?—A. I don't know, unless the mill apartment.

2800. Q. Was the mill apartment on both the north and south sides?—A. No; it wasn't on the south side.

2801. Q. Won't you tell me again what the room was used for that adjoined on the south?—A. I don't know.

2802. Q. What was the size of this room?—A. I should judge it was about 16 feet by 20 or 24.

2803. Q. Do you remember to have been in it except on the three occasions you have named?—A. No; I don't remember.

2804. Q. Did you ever hear that room called the confessional by any person employed in the starch factory?—A. No, sir. I don't remember I ever did.

2805. Q. Who did you ever hear speak of it as the confessional, or the confession-box, outside of the factory?—A. I can't call anybody by name.

2806. Q. Can you name a single person that you ever heard speak of it by any name?—A. I could not just now.

2807. Q. Could you if time was given you for recollection?—A. I don't know as I could any particular one.

2808. Q. When did you first hear that room spoken of by that particular name?—A. O, off and on for the last eight or ten years.

2809. Q. Do you swear that you heard it spoken of in that way eight or ten years ago?—A. Yes.

2810. Q. Where did you hear it so spoken of?—A. I couldn't tell exactly where, as to particular place.

2811. Q. Can you name any place where it was so spoken of?—A. Not in particular.

2812. Q. Then you can give no person, time, or place, where you ever heard this room spoken of?—No, sir; I could not.

2813. Q. Did you ever hear this room so spoken of, except by political enemies of Mr. Kingsford?—A. I don't believe I ever did.

2814. Q. Was not you or some member of your family engaged in the sale of liquor at the time you was last discharged from the starch factory?—A. No, sir. I had my place rented to Mr. Cullvin at that time.

2815. Q. Have you ever been arrested?—A. I have been arrested once, some eighteen or twenty years ago.

2816. Q. For what?

(Objected to as incompetent, and the warrant ought to be produced as the best evidence.)

A. For selling liquor without a license at the time of the Maine law, as I remember.

2817. Q. How long ago was this when you were so arrested?—A. About sixteen or seventeen years ago.

2818. Q. Have you ever been arrested for any other cause?—A. I don't remember.

2819. Q. Are you sure now it was in 1874 that you left the starch factory the last time?—A. I am not entirely sure.

2820. Q. If not in 1874, was it a year earlier or a year later?—A. It was a year later.

2821. Q. Do you know William H. Goit, of this city?—A. Yes, sir.

2822. Q. Didn't you tell him within the last week that you knew nothing whatever of any intimidation of voters at the starch factory or interference with their voting, or words to that effect?—A. I believe I told him I didn't know anything about Mr. Mason or Duffy's affairs. No, sir; I did not.

2823. Q. Didn't you tell him you knew nothing whatever affecting this contest between Mr. Mason and Mr. Duffy?—A. I think I told him something like that.

2824. Q. When were you first subpœnaed in this matter?—A. I think it was Tuesday evening of this week.

2825. Q. How much, if anything, was you paid for your attendance?—A. Seventy-five cents.

2826. Q. Is that all that you have received?—A. That's all.

2827. Q. Have you been promised anything more than that?—A. No, sir.

2828. Q. How many days have you attended here on that subpœna?—A. I have been here, this is the third day.

2829. Q. With whom, if any one, connected with this case, had you had any conversation before being subpœnaed?—A. I had some with Mr. I. Clark Cooley.

2830. Q. When did you have your first conversation with him?—A. I think it was within a couple of weeks; think about two weeks ago.

2831. Q. Who else besides Mr. Cooley did you talk with?—A. Don't know of anybody else.

2832. Q. Did you talk with Mr. Cooley before or after you talked with

Mr. Goit? Give us your best recollection about it.—A. I think it was before I talked with Mr. Goit; but am not sure.

ALEXAND. LAMMON.

Sworn to and subscribed February 21, 1879.

W. W. GREEN,  
Notary Public.  
S. M. COON,  
Notary Public.

*Deposition of James McNamara.*

Witness being first duly sworn, deposition taken in pursuance of notice filed:

2833. Question. State your age, your occupation, and place of residence, giving street and ward.—Answer. I was born in the year 1815; occupation, laborer; residence, No. 35 East Seventh street, fourth ward.

2834. Q. How long have you resided in the fourth ward?—A. Since the ward was reapportioned.

2835. Q. Are you a voter, and how long have you been such?—A. I can't give the dates, but I can give the administration. It was when Mr. Hill was county clerk, and Judge Allen presiding judge; about 20 or 22 years ago, I think.

2836. Q. What party have you belonged to during all that time?—A. I belonged to the Democratic party from the time I became a voter.

2837. Q. Have you paid attention to politics during that time?—A. Upon occasion of elections, with the exception of about a year and a half.

2838. Before the present fourth ward was organized, and since you became a voter, did you reside in the old fourth ward?—A. No, sir; in the old second and present fourth.

2839. Q. Do you know of the Oswego Starch Factory?—A. I have seen the building.

2840. Q. Will you state whether you are acquainted with the reputation, from the common speech of the people of Oswego, in reference to the voter being required to vote the Republican ticket as a condition of being retained in employment in the starch factory, or in the employment of Mr. Kingsford?

(Objected to as immaterial, irrelevant, and incompetent. Same disagreement.)

A. I never heard so.

2841. Q. Will you state whether that was a matter in common talk at the time of elections?

(Same objection and disagreement; counsel opposed to admission.)

A. I heard it expressed so pretty generally.

2842. Q. How long has that been the common talk in the city, of the people of Oswego?—A. About ten or fifteen years.

2843. Q. Was such the common talk at the time of the last fall's election?

(Same objection and same disagreement.)

A. It was.

2844. Q. Since you have lived in the present fourth ward, have you attended the polls on election day, and peddled Democratic tickets generally on election day?—A. I generally attended on all such occasions, and peddled Democratic tickets.

2845. Q. Have you known of occasions of men in the ward who had

previously received democratic tickets from you at elections and voted them, getting into the employ of the starch factory, or the employ of Thompson Kingsford, and thereafter at other elections refusing to vote the Democratic ticket, and saying, as an excuse for not doing so, that they couldn't on account of their being employed in the starch factory? and, if so, state the occasions and individuals, so far as you can recollect them.

(Objected to as improper in form, and evidence is immaterial, irrelevant, and incompetent. Notaries disagreed.)

A. I have; there was one man—James Lee, Daniel Collins, a man by the name of McCarty; I don't know his given name. I think you may add the name of Patrick Hagerty to that, and of Michael Collins; and that's all I can recollect now. There were some others, but I disremember.

2846. Q. Can you state whether the starch factory voters and the voters in the employ of Thompson Kingsford, in your ward, most invariably vote the Republican ticket?

(Same objection; same disagreement.)

A. Those men that I made mention of don't work in the starch factory, but work in Mr. Kingsford's private employ except one of them, who works in the factory. By what I have seen it is my opinion they do; by the way they took their votes, and who they took their votes from, I was convinced they do.

2847. Q. Do they generally get their votes from persons peddling-Republican votes at the polls?

(Objected to. Same disagreement.)

A. They do.

2848. Q. What countrymen are the forces of the starch factory voters, or voters in the employ of Mr. Kingsford in your ward?—A. That question I can't answer. I do not know how many there are of the employés in that ward.

2849. Q. From what you have heard of the general speech of people and from what you know, what ticket would the majority of voters in the employ of the starch factory and Mr. Kingsford vote, if not restrained by the fear of being discharged.—vote the Republican ticket?

(Objected to for same reasons as above, and also that no capacity is shown by the witness to give an opinion. Notaries disagree. Coon opposed to admission.)

A. I can't answer that question. If the question is limited to the ward, I may be able to answer it.

2850. Q. Then answer that question as applied to your ward.—A. My opinion is they would not vote the Republican ticket unless in the employ of Mr. Kingsford.

2851. Q. What ticket, in your opinion, would they vote?

(Same objection. Same disagreement.)

A. Those men I have spoken of, in my opinion, would vote no ticket but the Democratic ticket.

#### Cross-examination:

2852. Q. What is your present employment?—A. Doing nothing.

2853. Q. How long have you been so employed?—A. Principally every winter since I came into the city of Oswego, except two.

2854. Q. Have you done nothing whatever this winter?—A. Nothing but the chores which belong to my own business about the house.

2855. Q. What is your business?—A. These late years I have charge of an elevator down on the dock.

2856. Q. What elevator?—A. The Corn Exchange.

2857. Q. Who employs you to take charge of the elevator?—A. Mr. Moreton.

2858. Q. He is a Democrat, is he not?—A. I can't tell you.

2859. Q. Don't you understand him to be a Democrat?—A. I do not.

2860. Q. Do I understand you have charge of the shovelers, of a gang of shovelers?—A. I do.

2861. Q. Are they employed on your account, or on account of the elevator?—A. I can't tell.

2862. Q. Are you paid by Mr. Moreton by the month or year, and how much?—A. Not a cent that way. Nothing for taking charge of the elevator.

2863. Q. Then you and the shovelers get pay for unloading the vessel?—A. Yes; I receive the pay and pay them.

2864. Q. And you share the pay with them?—A. I do, sir; undoubtedly.

2865. Q. And that is your employment?—A. And that is my employment, to see that the men do their work and get their pay.

2866. Q. Who has the job for unloading the vessel?—A. There is no job about it.

2867. Q. Who makes the contract for unloading her?—A. I don't know of any contract made with any men but by common usage.

2868. Q. You are one, then, of a gang of shovelers who unload the vessel, receive the pay, and divide it equally among themselves?—A. I am one of the gang of shovelers who unload the vessel, individually receive the pay, and nobody else can receive it but me; and I divide it in equal portions among the gang, including myself.

2869. Q. Is that all your employment?—A. That is all my employment nowadays, the last season.

2870. Q. You said you worked a little on the streets a year ago last summer?—A. I did.

2871. Q. By whom was you employed to work upon the street?—A. The deputy street commissioner employed me, Michael Doyle.

2872. Q. Where and how long was you so employed?—A. I couldn't give you an account of all the streets I worked on. I believe I received between forty to fifty dollars, at a dollar a day.

2873. Q. And where did you get your pay?—A. I got it from James A. Beckwith.

2874. Q. In money or by an order?—A. In money.

2875. Q. Have you ever been in the employ of Thompson Kingsford or of the starch factory?—A. I have not.

2876. Q. Have you ever been in the starch factory?—A. It is like a dream to me that I was once inside the doors; and I wouldn't say whether I was or not, nor how long ago it was.

2877. Q. Have you any acquaintance whatever with Mr. Kingsford?—A. Not the least; I believe I would know him by sight.

2878. Q. Your residence and business has always been on the east side of the river?—A. No, sir; I spent a portion of the time employed in the city business on the west side of the river.

2879. Q. Has your residence always been on the east side of the river?—A. It has, sir.

2880. Q. What business have you ever been in on the west side of the river?—A. I was policeman for two years, 1864 and 1865.

Adjourned to 2 o'clock p. m.

2881. Q. Have you had any other employment which took you to the other side?—A. No, not for the last 15 or 16 years.

2882. Q. Name any persons employed by Mr. Thompson Kingsford or the starch factory who voted at the fourth-ward poll at the election in November last?—A. Daniel Collins, a man by the name of McCarty, Patrick Hagerty; that is all that I saw taking votes or I saw voted.

2883. Where was Daniel Collins employed at election time?—A. At the new building, west side; I saw him one time, corner of West First and Seneca.

2884. Q. When did you see him there?—A. About the time the laying the foundation and excavation was going on.

2885. Q. How long before the election was it you saw him there?—A. I think some time in October.

2886. Q. Can you tell positively whether it was more or less than four weeks before?—A. I cannot.

2887. Q. What was he doing there?—A. He was moving around there.

2888. Q. What was he to work at?—A. He was going from one place to another.

2889. Q. And is that all that you know of his doing there?—A. That's all.

2890. Q. You don't know whether he was employed there?—A. By his appearance and by what he told me, I know he was employed there.

2891. Q. What did he tell you?—A. He told me he was employed there.

2892. Q. What was his answer?—A. I asked him if he was employed for Mr. Kingsford, and he told me that he was.

2893. Q. Is that all?—A. That's all.

2894. Q. What is his business?—A. A day laborer.

2895. Q. Do you know how long he continued to work there?—A. I do not.

2896. Q. Do you know when he quit work there?—A. I do not, sir.

2897. Q. Whereabout in the fourth ward does he live?—A. Between Tenth and Eleventh and Cayuga and Seneca, on an alley-way.

2898. Q. Did you see him vote at the fall election in 1877?—A. I did, sir.

2899. Q. Do you know of your knowledge what ticket he voted in 1877?—A. I do not sir; I didn't see his ticket opened.

2900. Q. Did you see him vote in 1878?—A. I did, sir.

2901. Q. Do you know of your own knowledge what ticket he voted?—A. I do not, sir; I didn't see the ticket opened.

2902. Q. Did you make it your business to see how he voted and who he got his tickets from?—A. I did take an interest in seeing who he got his tickets from, and how he was going to vote.

2903. Q. Did you ever give Daniel Collins any employment?—A. No, sir.

2904. Q. Would not Mr. Kingsford, who had given this man employment, have quite as good a right to interest himself as to how this man was going to vote as you, who had never given him employment to the amount of a cent?—A. I suppose he would.

2905. Q. Who did he get his vote from at the last fall election?—A. From Mr. Stebbins.

2906. Q. And who is Mr. Stebbins? What is his business?—A. That I cannot tell you.

2907. Q. He is a resident of the fourth ward, is he not?—A. He is.

2908. Q. And was a Republican distributor of tickets at those polls?—  
A. Yes, sir.

2909. Q. Did you see Mr. Collins when he came to the polls?—A. I can't say that.

2910. Q. Then you don't know whether he came alone or in company with someone else?—A. I do not.

2911. Q. You was not an inspector or any other officer of election, was you?—A. No, sir.

2912. Q. You was a Democratic peddler of tickets, and Mr. Stebbins was a Republican?—A. I was some part of the day.

2913. Q. How far is it from the starch factory to your house?—A. I have no idea.

2914. Q. How far is it from the polls in your ward to the starch factory?—A. I can't tell you; I never measured.

2915. Q. Have you any idea?—A. I have no idea.

2916. Q. Can you tell whether it is more or less than a mile?—A. I can't tell anything about it. It may be a mile, or over a mile, or less than a mile for aught I know.

2917. Q. Do you know of any influence whatever being brought to bear upon Daniel Collins in respect to his vote last November?—A. I do not.

2918. Q. Where does McCarty live that you have spoken of?—A. On the same alley with Collins.

2919. Q. Do you know where he was employed at election time last fall?—A. He was working around that building for Mr. Kingsford.

2920. Q. Did you see him there?—A. I did, sir, see him on that ground.

2921. Q. When?—A. The same day I saw Collins there.

2922. Q. And is that the only time you saw him there?—A. That's the only time.

2923. Q. Do you know what he was doing there?—A. I do not.

2924. Q. Do you know how long he continued to work there or when he left?—A. I do not.

2925. Q. Did you see him vote on election-day?—A. I did.

2926. Q. Who did he get his tickets from?—A. Mr. Stebbins.

2927. Q. Do you know for whom he voted for Congress?—A. I do not; I didn't see his ticket opened.

2928. Q. Do you know of any influence of any kind being brought to bear upon him at the last November election?—A. I do not.

2929. Q. Did he vote before or after Collins?—A. I couldn't say which.

2930. Q. Did you see him when he first came to the polls?—A. Not as far as I have knowledge.

2931. Q. What time in the day did he vote?—A. In the afternoon.

2932. Q. What time in the afternoon?—A. I can't recollect.

2933. Q. Patrick Hagerty, where does he live in that ward?—A. In the same location with the other two men.

2934. Q. And where was he employed at the last election?—A. At the same place; I saw him around there the same day as the other two. He told me he was employed there.

2935. Q. And that is all you know about his employment there?—A. Yes, sir.

2936. Q. Can you now say whether it was more or less than four weeks before election?—A. I can't say.

2937. Q. Do you know how long he was employed there, or when he left?—A. I do not.

2938. Q. Did you see him vote on election day?—A. I did, sir.

2939. Q. Of whom did he get his ticket?—A. Of the same man—Mr. Stebbins.

2940. Q. Did he go to Mr. Stebbins for his ticket, or did Mr. Stebbins come to him?—A. My opinion is he approached Mr. Stebbins for a ticket.

2941. Q. Do you know who he voted for for Congress?—A. I do not, sir.

2942. Q. Do you know of any influence of any kind being brought to bear upon him in reference to his vote at that election?—A. I do not.

2943. Q. Did you see him when he came to the polls?—A. I did not.

2944. Q. Then you don't know whether he came alone, or with some one else?—A. I do not know how he came.

2945. Q. Are these the only men employed by Mr. Kingsford, or the starch factory, whom you know voted at the fourth ward poll?—A. I have heard of others. There were others who voted at that poll whom I have heard were in his employ.

2946. Q. Who were the others?—A. Edward Gaines, a young man of the name of McCann, a man of the name of Burns, a man by the name of Michael Collins. That's all I can remember of.

2947. Q. What were Ed. Gaines' politics?—A. It would be very hard for me to tell. I don't think I could tell.

2948. Q. Has not generally voted the Republican ticket?—A. I couldn't tell. I never saw his ticket opened.

2949. Q. Wasn't he deputy city clerk a few years ago, under a Republican administration?—A. I heard he was.

2950. Q. Do you know where he was employed?—A. I saw him to work the same day I saw the other three men.

2951. Q. Who did he get his ticket from?—A. I don't know.

2952. Q. Wasn't he himself distributing Republican tickets on that day at the polls?—A. I don't know. He may have done so; but I don't know. I heard he was carried away a little while before as a Green-backer.

2953. Q. What was McCann's politics?—A. His politics are so young I can form no opinion of them.

2954. Q. Do you know who he voted for for Congress?—A. I do not.

2955. Q. Where was he employed?—A. On that same building. I saw him there at the time I saw the others. That's all I know about his being employed there.

2956. Q. What's Burns' first name?—A. I believe it's Michael.

2957. Q. Where was he employed?—A. Same place; around that building, as I was told. I did not see him there.

2958. Q. Do you know who he voted for for Congress?—A. I do not.

2959. Q. Do you know who he got his ticket from?—A. I do not.

2960. Q. Where does Michael Collins live?—A. He lives on Eleventh street between Cayuga and Seneca.

2961. Q. Where was he employed at the last election?—A. I heard he was employed there in that same building. I didn't see him there.

2962. Q. Do you know who he voted for for Congress?—A. I do not.

2963. Q. Do you know who he took his tickets from?—A. I do not.

2964. Q. Do you know of any influence being brought to bear upon Gaines, McCann, Burns, or Collins as to their votes at the last November election?—A. I do not.

2965. Q. Did you ask any of these men to vote the Democratic ticket on that day?—A. No.

2966. Q. Do you know under what foreman these men worked at the building?—A. I do not.



2967. Q. Who is James Lee?—A. He is the man that used to watch at the starch factory. He told me he was a watchman.

2968. How long was he employed there?—A. I don't know how long.

2969. Q. Where does he live now?—A. I don't know.

2970. Q. Has he left your ward?—A. He has.

2971. Q. When did he leave it?—A. I can't say how long ago. It is from six months to two years ago.

2972. Q. Is he the only man by the name of Lee that you have known employed in the starch factory?—A. He is the only man.

2973. Q. Did you ever have any conversation with him in regard to voting?—A. It was either two or three years ago.

2974. Q. Was it while he was employed there or after he left?—A. It was both.

2975. Q. Do you know, did he sometimes drink spirituous liquors?—A. I don't know whether he did or not.

2976. Q. Do you know whether he was a man who paid his debts regularly or not?—A. I never heard it questioned.

2977. Q. Now, won't you tell me who it is that you heard say that it was required of a man employed in the starch factory or by Kingsford that he should vote the Republican ticket as a condition of being retained in employment?—A. James Lee and Timothy Hayes both told me so.

2978. Q. Anybody else?—A. No.

2979. Q. When did James Lee tell you so?—A. Either two years ago or three years ago.

2980. Q. Where?—A. Down at No. three's engine-house, at the polling-place there; on Brian street here.

2981. Q. Now give me the entire conversation?—A. He told me that he was directed, when he came to the polls, to report himself to Mr. Stebbins and to get his ticket from him, that he could certify that he voted the Republican ticket. He told me he wanted to get a set of Democratic tickets with Republican heading on. He went away a little from the polling-place for some time and returned again. Told me he had procured them tickets. I saw him approach Mr. Stebbins and get a set of tickets from him. I seen him go up to the polls and deposit his ballot. He retired, went out, and I followed him. He says, "I beat that fellow," showed me his Republican tickets, and said, "but I am afraid that he has detected me." I met him in a short time afterwards, it may be from two to six weeks after the election. He told me that he thought that Mr. Stebbins had sold him; that he was called into the office and accused of voting the Democratic ticket, and was discharged for voting the Democratic ticket.

2982. Q. Who did he say directed him to go to Stebbins to get his tickets?—A. He didn't give any names.

2983. Q. Who did he say called him into the office or discharged him?—A. He mentioned no names then either.

2984. Q. Was that at the city election in the spring or general election in the fall?—A. I wouldn't say whether it was in the spring or fall positively. I think it was at the charter election in the spring.

2985. Q. Lee was not here to vote at the last fall's election in the fall, was he?—A. I think he was not. I know he was not.

2986. That's all you ever heard Lee say on the subject, is it?—A. That's all.

2987. Who is Timothy Hayes?—A. A man that worked for Mr. Kingsford.

2988. Q. Where does he live now?—A. I can't tell you.

2989. Q. He has left the city, has he?—A. I understand he has.

2990. Q. How long has he been gone?—A. I believe he was in the city last summer. I won't swear positive whether it was last summer or summer before.

2991. Q. Have you heard where he went; and, if so, where?—A. I heard he went to Buffalo.

2992. Q. Was he here at the last fall election?—A. I didn't see him. I don't think he was.

2993. Q. And these are the only men that you have heard say that voting the Republican ticket was a condition of being continued in the employment of the starch factory or of Mr. Kingsford?—A. They are, so far as the employés are concerned.

2994. Q. And they are both away so that they can't be confronted here with your statement?—A. They are, so far as I know.

2995. Q. What do you mean by saying now they are so, so far as the employés are concerned, when a little while ago you said that they were the only men who had said so?—A. I took the question at that time to relate to the employés.

2996. Q. And who have you heard say so who was not an employé?—A. The saying was so general I can't name them at all.

2997. Q. Can you name another person besides Lee and Hayes?—A. Ed. Keenan and James M. Lankton say the same thing.

2998. Q. Were they in the employ of the starch factory?—A. Not then. I don't know as they ever were.

2999. Q. What year was that?—A. Either the year 1864 or 1865. I couldn't say which.

3000. Q. Where does Ed. Keenan live?—A. I believe that he lives in the city; can't tell where.

3001. Q. Where did you hear them speaking about this?—A. In the police office; they were policemen.

3002. Q. Can you name anybody else?—A. Cannot.

3003. Q. In what year did you hear Hayes speaking on this subject?—A. Either three or four years ago. It may be less than three or more.

3004. Had Hayes been discharged from the starch factory when you talked with him?—A. I can't tell whether he had been discharged or left of his own accord.

3005. Q. Can you tell, do you know whether Lee was discharged for voting a Democratic ticket, or for attempting to cheat in pretending to vote the Republican ticket, when he really voted a Democratic ticket with a Republican heading?—A. I don't know only what he told me.

3006. Q. You have known some persons employed in the starch factory by Mr. Kingsford to vote the Democratic ticket while in his employ?—A. I have not, while in his employ.

3007. Can you give the name of any man discharged from that employ, who openly and honestly voted the Democratic ticket?—A. I cannot.

#### Redirect examination :

3008. Q. Was it a matter of common report and talk at the polls at the last election in your ward, that Dennis Collins, McCarty, Hagerty, McCann, Michael Burns, and Michael Collins, of whom you have spoken on your cross-examination, were Democrats but were compelled to vote the Republican ticket because they were in the employ of Thompson Kingsford?

(Objected to on the ground that there is better evidence and that that is such a fact as cannot be proved by common report, and the fact

appears in evidence that they now live in the city, and that the fact can be ascertained as to how they voted and why they voted. Notaries disagree.)

A. I didn't hear it very largely on that day. I may have heard some make such a remark.

3009. Q. Was it a matter of common talk and report in the ward just before election that all the men in the employ of Thompson Kingsford, or of the starch factory, whether Democrats or Republicans, would be compelled to vote the Republican ticket?

(Objected to as above, and immaterial, irrelevant. Same disagreement.)

A. I heard discussed whether Mr. Kingsford would take the same interest as before.

3010. Q. What was the conclusion of the discussion?

(Objected to as above. Question waived.)

3011. Q. Now what was the talk and common report immediately after election in regard to Dennis Collins, McCarty, Hagerty, Michael Burns, and Michael Collins, as to whether they were Democrats who had been compelled to vote the Republican ticket because in the employ of Thompson Kingsford or the Oswego Starch Factory?

(Objected to on the ground that it is a matter which can't be shown by common report, and that it being conversation after the fact, and immaterial and irrelevant. Same disagreement. Coon for exclusion.)

A. I heard a great many say that they thought they wouldn't have voted the Republican ticket if they hadn't been in Mr. Kingsford's employment.

3012. Q. Was that a matter of common talk?

(Objected to as above; same disagreement.)

A. It was a matter of common talk; I don't mean it was general; I didn't hear everybody talking about it.

3013. Q. Had Dennis Collins been known as a Democrat previous to the last fall election?—A. I think he was always considered a Democrat.

3014. Q. Were McCarty, and Hagerty, and McCann, and Michael Burns, and Michael Collins, the men whom you have spoken of in your cross-examination, well known as Democrats previous to and at the time of the last fall election?—A. All of them, except McCann, were considered Democrats.

3015. Q. Was it a matter of common talk and report at the election that any of these men, whom you have just sworn were well-known Democrats, had voted the Republican ticket because they were in the employ of Mr. Kingsford or the starch factory?—A. I heard nobody characterize their conduct to any considerable extent. I may have heard some small remarks.

3016. Q. In your cross-examination, you said of Dennis Collins and McCarty that you did not know they voted the Republican ticket at the last fall election, but you had reasons for believing they did. State what you saw.—A. I did not see the heading of the tickets; I drew my inference from the man they took the tickets from, and my knowledge of him.

3017. Q. This Mr. Stebbins, from whom they took their tickets, was he a well-known Republican who had peddled Republican tickets in your ward at every election for a number of years previous?—A. I have seen him at the polls in that ward in that capacity as a pretty efficient man. I don't remember to have ever seen him miss an election there for ten or fifteen years; and pretty regular during the day.

3018. Q. Will you state whether he was the man from whom the voters in the employ of Mr. Kingsford and the starch factory pretty generally got their tickets?

(Objected to as immaterial. Coon for exclusion. Notaries differ.)

A. What I say is, that what men was employed by Thompson Kingsford that I seen come to the polls and get tickets, I see them get their tickets from Mr. Stebbins.

3019. Q. Had Mr. Stebbins been in the employ of Mr. Kingsford or of the starch factory at any time, as you understood?—A. I understood he was in the employ of the starch factory or of Mr. Kingsford.

Recross-examination:

3020. Q. Mr. Stebbins has been an alderman in the sixth ward, has he not?—A. He has.

3021. Q. And he is a respectable citizen of that ward?—A. I never heard his respectability questioned as a citizen.

3022. Q. Can you name a single person who, just before the election, said in your hearing that all the men employed in the starch factory or by Mr. Kingsford, whether Democrats or Republicans, would be compelled to vote the Republican ticket?—A. I cannot.

3023. Q. Will you swear that that was said in your hearing just before the election last fall, that all the men in the employ of Thompson Kingsford or of the starch factory, whether Democrats or Republicans, would be compelled to vote the Republican ticket?—A. I don't know; I heard it in that way; I don't think I heard it in that sense.

3024. Q. Who did you hear say, after election, that Daniel Collins would not have voted the Republican ticket if he had not been in the employ of Thompson Kingsford or the Oswego Starch Factory?—A. I couldn't give the name of any one.

3025. Q. Who did you hear say that McCarty would not have voted Republican ticket if he had not been in the employ of Thompson Kingsford or the starch factory?—A. I heard so many say it that I cannot give any name.

3026. Q. Can you name any occasion since the election when you heard that said?—A. I cannot. It was repeated in my hearing almost every day since that.

3027. Q. Who did you hear say that last week, with respect to McCarty?—A. I couldn't tell you. I paid no attention to it.

3028. Will you swear that you heard that said last week, in respect to McCarty?—A. I did.

3029. Q. On what day last week?—A. I couldn't give you the day.

3030. Q. At what place?—A. I couldn't give the place either.

3031. Q. By whom?—A. I can't remember.

3032. Q. Won't you explain how you can swear that you heard this said last week with respect to McCarty, when you swear that you can give neither time, places, nor persons, by whom it was said?—A. I was passing by when I heard the remarks.

3033. Q. Where were you passing when you heard the remark?—A. I can't say where. I cannot say what street.

3034. Q. Who was you passing by when you heard this remark?—A. I don't remember now.

3035. Can you swear you was passing by some one?—A. I was.

3036. Q. How many were you passing by?—A. I can't swear how many there were I was passing by; I didn't count them.

3037. Q. Were there more than two?—A. I don't know whether there was or not.

3038. Q. Was it in the night or day time?—A. It was in the day time.

3039. Q. Were you sitting or standing when you heard the remark?—A. I was walking on my feet when I heard the remark.

3040. Q. Was there at least two persons you were passing when you heard the remark?—A. There was.

3041. Was it in the early or latter part of the day?—A. I can't tell. I forget about it.

3042. Q. Was the remark addressed to you or addressed to somebody else?—A. It was not addressed to me.

3043. Q. To whom was it addressed?—A. I can't tell you.

3044. Q. Was you in the street or on the sidewalk?—A. I was on the sidewalk.

3045. Q. On which side of the street was it?—A. I can't tell.

3046. Q. Which way was you going?—A. I can't tell.

3047. Q. What ward was it in?—A. I can't tell you.

3048. Q. Which side of the river was it on?—A. I can't tell.

3049. Q. What was the remark which you heard last week on the occasion you have sworn to, when you was passing by two or more persons? Give the language used.

(Objected, that counsel for contestant have not asked anything about conversation or common talk last week, but only that at the time of and immediately after last fall's election, and that this wrangle or talk of last week can have no object except to consume time, and I protest against it.

Counsel for contestee replies to question put by counsel for contestant was, "What was the talk or common report after election," without other limitation? Further, that this witness has testified distinctly that the remark was repeated in his hearing nearly every day since election, and particularly swore that it was repeated in his hearing last week; and the witness would be more likely to remember the remark as given last week than as heard by him three months ago. If he cannot give this remark as heard by him last week, it is hopeless to expect him to give it as given three months ago. Notaries disagree.)

A. I can't give the language as I heard it.

3050. Q. Give all of the language that you can.—A. I heard the name of McCarty mentioned in connection with his voting; if he wasn't in Mr. Kingsford's employ he wouldn't vote as he did.

3051. Q. Was it in the early or latter part of the week you heard this remark?—A. That I can't tell.

3052. Q. Was there any reply made to this remark?—A. I didn't wait to hear.

3053. Q. Was that all that you heard on that occasion?—A. That was all I heard or had an opportunity of hearing then.

3054. Q. Who did you hear say, since election, that Mr. Nat. Edlings would not have voted the Republican ticket if he had not been in the employ of Thompson Kingsford or the Oswego Starch Factory?—A. I don't know that I heard his name individually mentioned.

3055. Q. Who did you hear say that with respect to Michael Burns?—A. I didn't hear his name individually mentioned.

3056. Q. Who did you hear say that in respect to Hagerty?—A. I didn't hear his name individually mentioned.

3057. Q. Can you swear whether the person whom you heard speak in reference to McCarty was an acquaintance of McCarty or not?—A. I don't know.

JAMES McNAMARA.

Sworn to and subscribed before us February 21, 1879.

W. W. GREEN, *Notary Public.*

S. M. COON, *Notary Pub.*

Adjourned to February 22, 9 o'clock a. m.

Cross-examination of J. CLARK COOLEY resumed from February 18.

(Hon. JOHN C. CHURCHILL, for contestee, says: I ask that the further cross-examination of J. Clark Cooley be postponed till Monday morning next, on the ground that Mr. Lamoree, who conducted his cross-examination so far as it has been had, and who had made memoranda for and expected to complete his cross-examination, and who was ready and present both Wednesday morning and Thursday morning to complete the cross-examination, but could not in consequence of the absence of the witness, is this morning out of the city, but will be here Monday morning.

Counsel for contestant objects to the adjournment asked, on the ground that Judge Churchill was present on the entire examination of the witness Cooley, both direct and cross, is now present as counsel for contestee, and was present yesterday when the witness appeared for the purpose of being cross-examined, and Judge Churchill then said that Mr. Lamoree was not present, and that the witness could return this morning; and that we, this morning, on its being stated that Mr. Lamoree would not return this morning, proposed to stipulate to adjourn the cross-examination of Mr. Cooley, for the convenience of the contestee and his counsel, until some day after the expiration of the contestant's time for taking testimony, which expires on Monday, the 24th; which proposition was not acceded to; and that from an hour to an hour and a half has already been consumed in waiting for contestee's counsel to get and examine the minutes of the testimony of Cooley before his making this motion to adjourn.

Counsel for contestee states that the witness came in yesterday while the examination of another witness was in progress and stated that his daughter was very sick, and wished to know whether he could return home, and that it was upon that statement that consent was given to his leaving and returning again to-day. Also, no time has been lost this morning, for no other witness has been or is present on the part of the contestant.

Counsel for contestant replies that we came here this morning at nine o'clock expecting to go on with the examination of this witness, and consequently produced no other witness, and have no other that we can produce until afternoon.

Notaries disagree.)

3058. Q. You stated, in answer to question No. 2175, that a part of the starch-factory system for this past eight or ten years was an inspector of elections in the third ward. Can you name a single inspector of elections in the past eight or ten years who has been an employé in the starch factory?—A. Mr. Sumner was an inspector of elections for several years in that ward; I am not sure he has been in that time. Mr. Hart was an inspector there; not certain whether within the eight or ten years.

3059. Q. Then you are not sure that you can name any one who has been an inspector within the last eight or ten years?—A. Not positively; but it is my opinion he was.

3060. Q. Is Mr. Hart now a resident of the city?—A. Not now.

3061. How long since he left the city?—A. I think he left it about 1873 or 1874; about 1873, I have an impression it was.

3062. Q. When was the third ward organized as it now stands?—A. Really, I cannot tell you.

3063. Q. Is it not more than ten years since the present division of the city into wards was adopted?—A. I think it is just about ten years.

3064. Q. Can you say that either of those men were inspectors of election in the ward as now constituted?—A. I think I am not mistaken.

3065. Q. Can you swear positively that either of those men were inspectors of election in that ward as now constituted ?—A. I would not like to do so.

3066. Q. Can you name any other than those two who have been inspectors of election and employes of the starch factory in that ward within eight or ten years ?—A. I don't just now think of them.

3067. Q. Then you can't swear now, can you, that it has been a part of the starch-factory system within the last eight or ten years to have one of their employes an inspector of election in the third ward ?—A. If those two men were not, I cannot.

3068. Q. How long ago did Mr. Sumner go into the starch factory to work ?—A. I don't remember the time; never did know the time.

3069. Q. In answer to question 2180 you stated it as about fifteen years. Is that correct to your best recollection ?—A. It is, as I recollect.

3070. Q. Did not Mr. Sumner leave the Democratic party immediately after the passage of the Kansas-Nebraska bill; and did he not join the Republican party in 1856 ?—A. I never knew when he left the Democratic party. He did not, to my knowledge, join the Republican party at its first organization in 1856.

3071. Q. You were in this city from 1860 to 1865 all the time, and took a part in behalf of the Democrats at each city charter election during that time, did you not ?—A. I think one spring I was absent, and one fall during that time; and not at any other election; I think not.

3072. Q. In what year was you so absent, if at all ?—A. I think it was 1864, but am not certain.

3073. Q. Was not Mr. Sumner Republican candidate for collector of taxes for the city on the west side of the river, and including the third ward, for each of the years 1860, 1861, and 1862, and was he not elected, and did he not perform the duties for each of these three years ?—A. I don't remember the years, but I recollect his being elected on the Republican ticket.

3074. Q. And he was such collector for several years ?—A. I don't remember; but I think he was two or three years.

3075. Q. Was he not the Republican candidate for overseer of the poor at the charter election in the spring of 1863, against Jacob Poucher, Democratic candidate for the same office, who was elected ?—A. I don't remember who the candidate was against Mr. Poucher.

3076. Q. Do you remember or not Mr. Sumner being a candidate for overseer of the poor ?—A. I don't.

3077. Q. Mr. Sumner was collector before he went into the starch factory to work, was he not ?—A. My impression was that he had been at work there before he became collector.

3078. Q. Have you any knowledge of his being so employed before he was collector ?—A. I have no personal knowledge of it.

3079. Q. Was he not engaged in publishing a daily paper up to the time he became collector, a paper edited at one time by Mr. Atwell ?—A. I don't recollect his being to work there at all with Mr. Atwell.

3080. Q. Mr. Sumner could not have been the Republican candidate for collector of taxes in 1860, 1861, and 1862 without your knowledge, could he ?—A. I think not.

3081. Q. And he could not have been a Republican candidate for overseer of the poor in 1863 without your knowledge, could he ?—A. I think not.

3082. Q. It is not true, then, is it, as stated by you in answer to question 2179, that Mr. Sumner was a Democrat until he went into the starch

factory?—A. I am not certain about the year he was elected collector. If I am mistaken about that, I am mistaken about the other thing.

3083. Q. Give the names of all voters residing in the third ward at the time of the last November election, and who were at that time employes of the starch factory.—A. I cannot give you the names of all the starch factory men in our ward, nor a quarter of them in our ward.

3084. Q. Give the names of all that you do know now.—A. I do not know any who were employed there at the fall election in the starch factory.

3085. Q. Give the names of all persons who are voters, resident in the third ward, and whom you understand to have been voters and employes of the starch factory at the time of the last November election?—A. Well, there was Sumner, Rasmussen, Southwick, Fitch, Chauncey Smith, Howe and his nephew, Tarrell McKay, Robertson. Those are all I can recollect now.

3086. Q. Mr. Rasmussen has been for years, has he not, an active Republican?—A. Yes; he has.

3087. Q. Have not all the others, whom you have named, been active Republicans, except Chauncey Smith, ever since the ward has been constituted as it now is?—A. Three of the persons, Mr. Fitch, Mr. Howe and his nephew, I am not personally acquainted with.

(Question withdrawn.)

3087½. Q. Has not Mr. McKay been an active Republican in that ward since its organization?—A. No, sir.

3088. Q. What are his politics?—A. Democratic.

3089. Q. How long has he resided in that ward?—A. I don't know.

3090. Q. How long has he been employed in the starch factory?—A. I don't know; a good many years.

3091. Q. Do you know what ticket he voted last fall?—A. I do not.

3092. Q. Do you know how he voted a year ago last fall?—A. I don't know.

3093. Q. Do you know how he voted at the charter election last spring?—A. I don't.

3094. Q. Do you know how he voted at the general election in the fall of 1876?—A. I don't know.

3095. Q. What are the politics of the Mr. Robinson you named?—A. A Republican, I believe.

3096. Q. What do you understand to be and to have been the politics of Mr. Fitch and of Mr. Howe and of his nephew?—A. Of Mr. Fitch and Mr. Howe I have understood to be Republicans. The nephew I inferred to be Republican.

3097. Q. What are the politics of Chauncey Smith?—A. Democratic.

3098. Q. How long has he been employed in the starch factory?—A. I don't know; two or three or four years perhaps. Two years I know.

3099. Q. Have you ever known him to vote anything but a Democratic ticket?—A. Not of my own knowledge.

3100. Q. Was it not true that many Democrats in the city of Oswego, who were in favor of hard money and the resumption of specie payments, were very much offended at the indorsement by the Democratic convention of the Greenback candidate, Mr. Duffy, and that they refused to support him?—A. I know of some who were offended, but none who refused to support.

3101. Q. What time was you taken sick last fall?—A. I was taken sick on the Sunday previous to the Democratic county convention, some time in October, I think.



3102. Q. And continued so how long?—A. I was sick about two or three months, I think.

3103. Q. Was you so ill as to be unable to take any part in the canvass up to the time of election?—A. I took no active part.

3104. Q. Was you confined to your house any part of the time; and, if so, how much?—A. I think I walked down the street two or three times during that time, and also went to the polls, which was on the same block, on the day of election, with my residence.

3105. Q. How long was you at the polls on election day?—A. Only long enough to vote.

3106. Q. What was the building referred to by you in your answer to question 2202?—A. The building on the corner of West First and Seneca.

3107. Q. That building you understand Mr. Kingsford to be erecting for the occupation of O. M. Blanchard & Co. with their door, sash, and blind factory?—A. Yes.

3108. Q. That firm was burned out last summer, was it not?—A. Yes.

3109. Q. About how many men did you understand the firm of Blanchard & Co. to have employed in their business?—A. I have heard from seventy-five to one hundred and fifty.

3110. Q. Did they not find it difficult to find any place to occupy, and for that reason was it not feared that they would leave the city?

(Counsel for contestant: I object to it as irrelevant and immaterial, and has been answered. Notaries disagree.)

A. All I know is what I saw in the papers. I saw it so stated.

3111. Q. And did you not understand that the committee on manufactures of the board of trade waited on Mr. Kingsford to induce him, if possible, to furnish a building for their occupation?—A. I have no recollection of it.

3112. Q. Did you not understand that this building in question by Mr. Kingsford was commenced for that purpose?—A. Yes.

3113. Q. And did you not understand that from the commencement the work was pressed forward with all the force that could be profitably employed until it was stopped by the winter?—A. I did.

3114. Q. Was you at that building any time while it was going forward; and, if so, when?—A. I was there when they were preparing the foundation; can't recollect the date.

3115. Q. Was it before or after you was taken sick?—A. I am not clear as to the time.

3116. Q. Can you say whether this was in September, October, or November that you was there?—A. It was either September or October; it may have been September.

Adjourned to 2 o'clock p. m.

3117. Q. Who said to you after the election that the men employed by Mr. Kingsford on that building had been called upon by Mr. Kingsford to vote the Republican ticket?—A. I can't remember now.

3118. Q. Can you remember any time or place when anything of the kind was said?—A. I can't remember nowhere.

3119. Q. Can you swear that you heard anything of the kind said before the trial of this contest began in this room a fortnight ago yesterday?—A. I can, positively.

3120. Q. What was it you heard said?—A. The remark I heard was that Mr. Kingsford had had the men that was to work on the Blanchard building seen relative to voting the Republican ticket. That's all I did hear.

3121. Q. By whom was that remark made?—A. I can't tell you.

3122. Q. Can you tell anything of time, place, or person, where, when, or by whom that remark was made?—A. I cannot.

3123. Q. How many times did you hear that remark made?—A. I have just answered that question by saying only once.

3124. Q. Why did you say, in answer to question 2207, that you had heard that said two or three times?—A. At that time my recollection may have been two or three times, but now, on reflection, I can recollect positively only once.

3125. Q. Name any person employed at the starch factory whom you went to meet as he was approaching the polls and solicited to vote the Democratic ticket and who replied that he would be glad to vote the Democratic ticket but didn't dare to.—A. Alexander Lamon was one I can remember.

3126. Q. In what year was that?—A. I don't recollect the year, but I think about four years ago. I think he was discharged a few days after. It might be a year earlier or later, can't give the exact date.

3127. Q. Did he tell you that he had come to the polls for the purpose of distributing Republican tickets?—A. I don't recollect that he told me that he came for that purpose.

3128. Q. How far away from the poll did you meet him?—A. It was between Mr. Newkirk's house and the polls.

3129. Q. How many feet separate Mr. Newkirk's house and the polls?—A. It might be 100 feet, perhaps not over 50.

3130. Q. Did you reach the poll that morning before he did?—A. I don't know whether he had been there or not. He was not there when I got there.

3131. Q. Did you give him some Democratic tickets with Republican headings to distribute?—A. I gave him no tickets.

3132. Q. Can you name any other one?—A. I can't remember.

3133. Q. Can you name any employé of the starch factory to whom you offered a Democratic ticket with a Republican heading, saying that the ticket being like the Republican ticket they would not be suspected of voting the Democratic ticket?

(Objected to.)

A. I can't recall any name.

3134. Q. Can you give the reply which any such person made to you?—A. Well, sir, I can.

3135. Q. Who is the person whose reply you can give?—A. Alexander Lamon for one.

3136. Q. Did you ever offer Alexander Lamon a Democratic ticket with a Republican heading?—A. I did not.

3137. Q. Now what person is there to whom you ever offered a Democratic ticket with a Republican heading whose reply you can give?—A. I can't recollect the individual.

3138. Q. Whom have you solicited to vote the Democratic ticket and who have told you in reply they dare not do it, for if it should become known they would be sure to lose their places within the last few years?—A. I don't recollect their names.

3139. Q. Do you recollect a single person?—A. I do not.

3140. Q. Who was that old Democrat who came to you with tears in his eyes, saying that he had got to vote the Republican ticket?—A. James O'Riley, of the third ward.

3141. Q. When did that occur?—A. I don't recollect the year.

3142. Q. Was it before or after your conversation with Alexander Lamon?—A. Some time before, I think.

3143. Q. How long has he been dead?—A. A year or two.

3144. Q. Was he not for several years before his death old and childish and in the habit of shedding tears on almost every occasion in his conversation?—A. I don't recollect any other occasion.

3145. Q. Do you not understand that Mr. Kingsford was very much attached to the old man, and that one of the last occasions he ever voted he went with his own carriage to bring him to the polls?—A. As to the attachment, I don't know; but I certainly saw him bring him to the polls the last time I ever saw him come.

3146. Q. Have you made examination and do you now find that Calvin Sumner was elected collector for the first and third wards on the Republican ticket in the years 1860, 1861, and 1862?—A. He was certainly elected in those years, but I don't say what his politics were in those years.

3147. Q. Were they Democrat?—A. I don't recollect.

3148. Q. Look at these proceedings of the common council in years 1857 and 1858 and see if he was not a Republican inspector of election for those years.—A. He was elected an inspector of election in those years and I should judge he was a Republican.

Redirect examination :

3149. Q. Was your statement that the system of controlling the starch factory vote included getting a starch factory man in as inspector of elections as often as they could, to watch the voters, based upon your knowledge of the common talk or report during the period of eight or ten years, as well as upon your knowledge of facts?

(Objected to.)

A. Yes.

3150. Q. Have you, since your cross-examination on that question, made search of any city records to refresh your recollection as to what persons in the employ of the starch factory, or of Thompson Kingsford, were inspectors of election; and, if so, who and for what periods?—A. I find on examining the record that Calvin Sumner was elected as inspector for the third ward in 1869; again in 1868, 1870. T. B. Hart in 1871, 1872. Frank Vanvilliez in 1873. In regard to Vanvilliez, he is the janitor of Kingsford's Baptist church.

3151. Q. State previous to 1869, as far as you searched the record, what you found in that regard.

(Objected to as immaterial. Notaries differ.)

A. I find in 1860 W. J. Rasmussen elected inspector in 1860, in 1861, and 1862; could not find record again till 1866; Calvin Sumner elected again in 1866, 1867 and 1868; I haven't seen the record any further since 1873.

3152. Q. Can you now tell, from recollection, of any other starch factory employees who have been inspector of election since 1873?—A. I cannot.

3153. Q. How long have Fitch, Howe, Southwick, and Robinson, referred to in your cross-examination, been in the employ of Thompson Kingsford, or the Starch Factory Company?—A. I don't know how long any of them have been there; Mr. Howe about seven years; the young man, Fitch, I think I can recollect his being there about four or five years; how much longer I don't know; Southwick at least fifteen years, and Robinson I think I have known him to be in the starch factory eight or ten years.

3154. Q. Are there other employes in the starch factory who vote in your ward and known to you as such, whose names you do not know and cannot now recollect besides those named on your cross-examination?—A. Yes.

3155. Q. Have you anything further to state in relation to the manner of managing the starch factory votes on election days besides what you have already stated, and having reference to what is done by Thompson Kingsford at the starch factory on days of election?—A. Yes.

3156. Q. State it.

(Objected to. Notaries disagree.)

A. Mr. Kingsford has men that they call bosses. These bosses, each of them, have charge of a gang of men; I can't give the names of all of them, but can of some; among them is Mr. Ed. Sayres, and the boss of the scraping room, I think his name is Culliner but am not sure; George Gwilt, Mr. Rasmussen, Mr. Southwick, and some others that I don't recollect their names. I understand that just previous to an election the foreman brings to a room on the first floor of the old starch factory, which I understand is opposite the main entrance from the bridge—the lists of men of each foreman or boss are brought to this room and examined by Mr. Kingsford, his private clerk, or some other person authorized by Mr. Kingsford so to do. A list of the voters for the various wards is made out at that time. Should the boss be ignorant of the ward in which the man votes, that person is sent for to this room, and there the fact is ascertained as to the ward that he votes in, and his political preferences—what I mean is, what party he belongs to. Having perfected their list, the next thing they do, on the morning of election is, to send for the voters in squads of two to four to come to this room. They are there given tickets or told to procure them of certain bosses at the various polls. Mr. Kingsford, when present, says to the men: I would like to have you vote the Republican ticket as a personal favor to me. I understand that this request is made to those whom he knows to be or supposes to be Democrats. I understand when directed to go and vote they are told to return and report at that room. It has been a common report that the parties in the employ of the starch factory attending the polls on election day report to Mr. Kingsford during the day of election, and after the close of the polls, all persons who have voted the Democratic ticket. It is also reported and understood to be a fact that no person known to have voted the Democratic ticket is retained in the employment for any considerable length of time after his name has been so reported to Mr. Kingsford.

3157. Q. Will you state whether the matters you have stated in reply to the last question are matters of common talk and report in the city of Oswego?

(Objected to, that it is a repetition of what was sworn to in the direct examination. Notaries disagree.)

A. In regard to that part of this statement which relates to the discharge of men for voting the Democratic ticket, it is so. The whole statement that I have made has been a subject of common talk and report among Democrats, and is now.

3158. Q. How long has the statement that you have given been the common talk and report in Democratic circles in the city of Oswego?—A. For more than fifteen years.

3159. Q. Do you believe the report to be true?

(Objected to by counsel for contestee. Objection sustained and answer excluded.)

3160. Q. Has this system been the subject of excitement at the polls at elections in your ward?

(Objected to as immaterial. Objection sustained and answer excluded.)

**Recross-examination :**

3161. Q. Have you not given, Mr. Cooley, a great part of your time to politics from the time you were of age to the present time?—A. I have given a good deal of attention to politics since I became of age.

3162. Q. Can you name a year since you was of age when you wasn't a candidate or an applicant for some office, or endeavored to become such?—A. Twice, and twice only, have I been a candidate for any office before the people. There were five years, according to my recollection, after I became of age, I never sought any office.

3163. Q. Were those the five years immediately after becoming of age?—A. According to my recollection, they were.

3164. Q. During those years you were prosecuting your trade, were you not?—A. I was.

3165. Q. And have you pursued your trade, except intermittingly, since that time?—A. I stated I worked at my trade till 1851 without intermission.

3166. Q. And how many years was that after you became of age?—A. About seven years.

3167. Q. What is the politics of the third ward?—A. Republican.

3168. Q. By about what majority in a straight vote?

(Objected to on the ground that it is immaterial and not pertinent to anything called out on the redirect examination. Notaries differed; Good against objection.)

A. It has varied different years. It has been as high as a hundred, and down as low as eighty; of late years, about eighty. That is my impression.

3169. Q. Mr. Sumner, Mr. Rasmussen, Mr. Southwick, and Mr. Howe are all much respected men and men of property in that ward, were they not?—A. So far as I know.

3170. Q. Was Frank Vanviliez ever in the employ of Mr. Kingsford, so far as you know?—A. I understand him practically in his employ.

3171. Q. Mr. Vanviliez is the sexton of the Baptist church, of which Mr. Kingsford is a member?—A. He is.

3172. Q. Have you any knowledge as to who he is employed by?—A. I have no personal knowledge.

3173. Q. And is that the only employment that you know of Mr. Vanviliez having which connects him with Mr. Kingsford?—A. The only one I know of.

Adjourned to February 24, 9 a. m.

Pursuant to adjournment, convened.

**Recross-examination of J. CLARK COOLEY resumed:**

3174. Q. How many years did you vote before you was a legal voter, if any?—A. The year before I was a voter I think I cast a vote.

3175. Q. Did you not so vote three years before you became a legal voter?—A. I did not.

3176. Q. Did you not so vote two years before you became a legal voter?—A. I did not.

3177. Q. What offices was you candidate before the people for, and in what years?—A. I was a candidate for town and village collector. I don't recollect the year; and I think just before the city was organized. I ran for the same office I think the next year, which was, I think, after the city was incorporated.

3178. Q. Were you elected to either of those offices?—A. I was not.

3179. Q. How many times since that have you made effort, more or

less, to obtain nomination for the same office?—A. According to my recollection, I never have asked or sought for the nomination of the Democratic party or any other for that office.

3180. Q. Have you made any effort, more or less, to procure the nomination for county clerk; and, if so, in what years?—A. I was a candidate for nomination for county clerk at the time Edwin Hill was nominated, I think; couldn't give the year.

3181. Q. Have you or your friends ever made any effort to secure that nomination for you at any other time?—A. I believe not. I have no recollection of it.

3182. Q. Is that as certain as you can speak in regard to it?—A. At present it is.

3183. Q. Have you or your friends ever made any effort to obtain for you any other county office?—A. I have no recollection of my having been a candidate for any other.

3184. Q. How many years have you made effort, more or less, to obtain the appointment of canal collector at this place?—A. I believe never but once before the year that I was appointed in; that is, I was twice an applicant; the last time I got it.

3185. Q. Do you swear that you have made no effort to procure that office more than twice?—A. I have no recollection. I won't swear so.

3186. Q. Have you ever made any effort to secure a position as clerk in the canal collector's office; and, if so, how often?—A. I never was a candidate for clerk in the collector's office, to my recollection.

3187. Q. Have you ever made any effort to procure the appointment of weighmaster at Oswego?—A. I have once, I think.

3188. Q. Was you appointed?—A. I was not.

3189. Q. Have you made any effort or been a candidate for the position of clerk in the weighmaster's office?—A. I have no recollection of ever having done so.

3190. Q. Have you ever been an applicant for, or made an effort to obtain, the appointment of boat inspector at Oswego?—A. No, sir.

3191. Q. Have you ever been an applicant for an appointment in the custom-house at Oswego?—A. No, sir.

3192. Q. Did you not endeavor to procure such an appointment from Enoch B. Tallcott, when collector of customs here?—A. No, sir.

3193. Q. Did you not endeavor to procure an appointment under the collector of customs when John B. Higgins was collector?—A. I have no recollection of ever being an applicant for any position in the custom house.

3194. Q. Did you not understand that your friends made an effort to procure for you an appointment under either or both of those men?—A. I did not understand that they made any such effort for me.

3195. Q. Did you not understand such effort to have been made when Orville Robinson was collector of customs here?—A. No, I did not.

3196. Q. Did you not desire your friends to endeavor to procure for you an appointment under either or all of those gentlemen?—A. I have no recollection. I always desired to have a place, but I have no recollection of asking any one to obtain it.

3197. Q. You held the position of keeper of the marine hospital once; and, if so, when?—A. I did; I think in 1861.

3198. Q. Did you not, while keeper of the marine hospital, allow invalid sailors, living in the city, a certain price per week for boarding themselves at their homes, and yourself charge the government a larger price for them, as though they had been boarded at the hospital?—A. I did keep men outside the hospital with the concurrence of the collector and approval of the department.

3199. Q. For such men, you charged the government the full price allowed by the government?—A. I did, sir.

3200. Q. You paid to the men such less sum as you and they agreed upon?

(Objected to by counsel for contestant, on the ground that it is immaterial and irrelevant.)

A. I did.

3201. Q. And did you not understand that the having permitted that, was one of the reasons why Charles A. Perkins was removed from the office of collector of customs?—A. I understand that was not the reason.

3202. Q. Have you talked over this matter of the system claimed to have been pursued at the starch factory with any one, since your examination last Tuesday; and, if so, with whom?—A. I had a casual conversation with one person at least. I decline to tell with whom.

3203. Q. With whom did you have the conversation?—A. I decline to answer.

(Counsel for contestee asks the court to instruct the witness that it is his duty to answer.)

Mr. Green instructs the witness that it is his duty, the matter inquired of being pertinent to the inquiry, to answer; but if, in his judgment, the conversation was confidential, and would expose the party whose name is required, to be discharged from his employment, he being now an employé of the starch factory, he may decline, subject to such course and responsibility as Congress may take or impose in the matter; that having stated he has pledged his word of honor not to name the party, he is in honor bound not to do so. Mr. Coon holds that the witness is bound by all the rules of evidence to answer this question regardless of consequences; that he is also bound in honor to answer it, having given at great length a hearsay statement injurious to Mr. Thompson Kingsford's personal and business reputation, and that of a large number of prominent business men of this city, and he ought at least to give the origin of this report, especially as his evidence was given in full on the direct examination, and this question being a legitimate one on cross-examination; that the notaries have no power to compel an answer; but that the witness must take the chances in the violation of the law in his refusal to answer.

Notaries agree on want of power to compel an answer.)

3204. Q. Do you still decline to answer this question?—A. I do.

3205. Q. Have you not talked the matter over with more than one person since last Tuesday?—A. No recollection of talking with anybody else on the subject.

3206. Q. How lately have you been in the starch factory?—A. Not in some years—a good many years.

3207. Q. When did you last have any conversation with Mr. Kingsford?—A. Two or three years ago, I guess.

3208. Q. What subject did you converse with him about then?—A. He spoke to me about some gravel. He wanted some gravel.

3209. Q. When last, before that, did you have any conversation with him?—A. I don't remember.

3210. Q. Do you remember to have had any conversation with him whatever, unless it be about gravel, within ten years?—A. I had a conversation with him, at his office, relative to a boiler I was agent for; I think it was since the gravel conversation.

3211. Q. Do you remember ever to have had any other conversation with Thompson Kingsford?—A. Yes.

3212. Q. When?—A. It might have been five or six or seven years ago.

3213. Q. Do you remember any other, and when?—A. Yes. I can't answer when.

3214. Q. What was that about?—A. About some lime.

3215. Q. Do you remember any other and when and what about?—A. I do. I don't remember when. I went to see him about taking a friend, a stranger who wanted to see it, through the starch factory.

3216. Q. Do you remember any other; and, if so, when and what about?—A. I don't recollect what about. I have talked with him various times.

3217. Q. Have you any personal knowledge that Mr. Southwick is a foreman in the starch factory?—A. I have not.

3218. Q. Are not the persons employed by him women and boys?—A. I don't know personally.

3219. Q. Are not the persons under the charge of Mr. Rasmussen at the factory girls or women?—A. I don't know.

3220. Q. Do you know of a single man under the charge of either Southwick or Rasmussen at the factory?—A. Personally I know nothing about who is in the employ of either of the overseers.

3221. Q. Have you any personal knowledge as to the truth of a single matter stated by you on Saturday in answer to question 3156?—A. I have no personal knowledge.

3222. Q. By whom was you ever informed that the foremen in the starch factory bring to my room in the starch factory, just previous to the election, any lists of voters?—A. I can't recollect now. I don't remember who.

3223. Q. When and where did you ever hear that said? Give time and place.—A. I don't remember. I can't remember.

3224. Q. By whom and at what time and place were you ever informed that such lists were examined by Mr. Kingsford, or by any one authorized by him?—A. I don't recollect.

3225. Q. By whom or at what time or place were you ever informed that the voters at the starch factory were sent for in squads to come to my room, and were there given tickets, or were told to procure them of certain bosses at the various polls?—A. Mr. Leverett Adkins told me that he was sent for to come to a room. He found a table with chairs around it, and tickets on the table. I think he said there were four other workmen in the room at the same time. Well, he was directed to go and vote and come back and report at that room.

3226. Q. Did he say that Mr. Kingsford was present there?—A. I don't recollect that he did.

3227. Q. What else did Adkins say in regard to what took place in that room?—A. He said he was not ready then, but when he did get ready he would go; that it would be time enough when he went to dinner. He said they told him to go then and report after dinner, and the time would go on. I don't recollect anything further said.

3228. Q. Now, didn't you understand from him that the men were divided into squads and sent to the polls in squads, in order that the work at the factory might not be interrupted?—A. Didn't say anything about that at all, that I recollect.

3229. Q. Don't you understand that the process of manufacture is such that the work should go on continually, in order to prevent injury to the starch?—A. I know it would not do to send them all to the polls at once, to be gone any considerable length of time.

3230. Q. And do you not understand that the bosses and foremen



from the starch factory who are at or near the polls are there for the purpose of seeing that the men do not go into drinking-saloons, and that after having voted they return promptly to the factory?—A. I don't understand it so.

3231. Q. Have you any knowledge as to whether that is so or not—knowledge of your own?—A. I have not.

3232. Q. Who has ever informed you that the parties in the employ of the starch factory who attend the polls on election day, report to Mr. Kingsford, are persons who vote the Democratic ticket?—A. I don't remember any individuals.

3233. Q. Do you remember any place or occasion when you were so informed?—A. I can't name place or time.

3234. Q. Have you any personal knowledge on the subject?—A. No.

3235. Q. For aught you know personally, then, all these matters so stated are falsehoods?—A. I don't know whether they are or not, of my personal knowledge.

3236. Q. On reflection, was the Van Vileiz referred to by you in your direct examination ever an inspector in the third ward?—A. I think not.

Redirect examination :

3237. Q. The Van Vileiz you have spoken of as being an inspector of elections was the father of the one who was inspector of elections?

(Objected to as immaterial.)

A. He was.

3238. Q. Explain briefly how you came to be mistaken, if there is any explanation you desire to make.

(Objected to.)

A. The father's name is Frank Van Vileiz; also the son. I looked at the record and saw Frank Van Vileiz's name. My impression was it was the old gentleman; but after I left here I thought I was mistaken, and wanted to make the correction here.

3239. Q. You said you voted once before you was a legal voter. At what election did you so vote?—A. I think it was in the fall of 1839.

3240. Q. Have you any explanation in regard to that matter?—A. I was at the election, taking a very active part, and was under the impression when I voted, and didn't know until after I had voted that I had not attained my majority.

3241. Q. How old were you?—A. I was twenty.

3242. Q. When you had charge of the Marine Hospital was there, by law or by regulation of the Treasury Department, a specific amount allowed per week for board, care, keeping, lodging, and medicines for each invalid under your charge?—A. Mine was a contract to take care of, furnish the physician and medicines at so much for each individual. There were cases where sailors residing in the city had families who preferred to remain in their families than to go to the hospital, and in some cases were too sick to be removed. It was these men I arranged to board at their homes.

3243. Q. Whilst they were so boarding, did you furnish them doctors and medicine?—A. Yes.

3244. Q. You have answered in regard to Adkins giving you information about the starch factory system of managing their voters; were there any other persons who ever said to you, or in your presence, in substance, the same thing, or any of them; and, if so, when?—A. I have heard a great many parties; I have heard Mr. Petty, Mr. A. Poncher and his father; I have heard Colonel Doyle and Judge Brewster, J. B. Higgins, and A. B. Getty, and E. B. Talcott, Leander Babcock, Patrick

Grace, Richard Grace, his brother, Capt. Pat Brown and his brother, Tom Brown, Mr. Samuel R. Beardsley, William J. Preston, and Bartholomew Lynch.

Recross-examination :

3245. Q. Was the day on which you first voted your birthday?—A. It was not.

3246. Q. Was it an entire year before you became twenty-one years of age?—A. It was about a year.

3247. Q. Have you ever paid voters money to influence their votes, or any other valuable thing?—A. I have no recollection now of doing it in that way.

3248. Q. Will you swear that you have never paid to voters money, or any other valuable thing, to influence their votes?—A. I couldn't swear at this very moment.

3249. Q. Is Mr. William J. Preston now a resident of this city?—A. No, sir.

3250. Q. Where does he live now?—A. New York or Brooklyn.

3251. Q. How long since he left Oswego?—A. I don't know; twelve or fourteen years ago, perhaps.

3252. Q. How long since you have seen him?—A. May be ten or twelve years perhaps.

3253. Q. When did you ever hear him say anything about voters of the starch factory being sent in squads to any particular room and there given their tickets or told to procure them from certain bosses at the polls?—A. Never, about the room or what took place in it.

3254. Q. How long has Enoch B. Talcott been dead?—A. I don't remember. I should think about 1863; may be later or earlier.

3255. Q. And how long before his death did he cease to be a resident of Oswego?—A. I think he resided here in 1862.

3256. Q. How long has Leander Babcock been dead?—A. I think not far from about the same time; could not have been more than a year or two difference.

3257. Q. How long has Judge Brewster been dead?—A. He died in 1876.

3258. Q. Did either of those gentlemen ever say a word about voters in the starch factory being brought to any room in it, and what took place?—A. No.

3259. Q. How long has Jacob Poncher been dead?—A. I don't remember; perhaps about eight years.

3260. Q. Did you ever hear him say anything about this same matter?—A. No, sir.

3261. Q. Or William A. Poncher, or John B. Higgins, or C. C. Petty, or A. B. Getty?—A. No, sir; not about being brought to the room or what took place there.

3262. Q. You have no recollection about hearing either of those men speak about it?—A. I have not.

3263. Q. Were either of these gentlemen I have named ever employed in the starch factory or connected with it in any way?—A. I think not.

Adjourned to two o'clock p. m.

Second redirect examination of J. CLARK COOLEY resumed:

3264. Q. Did you mean, by saying in your answer to the questions of the contestee's counsel in relation to what you have heard the parties whom you have named say in regard to the starch factory voters being

taken to a room in squads, and in regard to what occurred in that room, to say that you didn't recollect that you had heard these gentlemen say that starch factory voters had been or were usually requested by Mr. Kingsford, at some place at the starch factory, to vote the Republican ticket, or do you mean only to say that you don't remember of hearing them specify the particular room where it was done?

(Objected to as mere repetition and because questions put by me were entirely plain and need no explanation.)

A. I want to be understood that I have conversed with these gentlemen, not in reference to that particular room, but in relation to their getting their votes and being instructed to vote the Republican ticket at the starch factory.

3265. Q. Instructed by whom at the starch factory?

(Same objection.)

A. By Mr. Kingsford.

Third recross-examination:

3266. Q. Mr. Higgins, Mr. Getty, and Mr. W. A. Poncher, whom you named, are now residents of this city, are they not?—A. I believe they are.

3267. Q. And are intelligent men, and capable of telling on the witness-stand what they know about this matter, if they know anything, are they not?—A. I think they are.

3268. Q. And Mr. Higgins and Mr. Poncher are active members of the Democratic party, are they not?—A. Yes.

3269. Q. Have either of these men been called upon to testify on this examination?—A. Not that I know of.

3270. Q. Did you ever hear Enoch B. Talcott claim to have any personal knowledge whatever of any instructions given by Mr. Kingsford or anybody else to starch factory voters in respect to voting?—A. I have never heard Mr. Talcott say so; no.

3271. Q. Did you ever hear William J. Preston claim any such personal knowledge?—A. I have never heard any of the persons named say they had any personal knowledge.

3272. Q. How long has Samuel R. Beardsley been dead, named by you in answer to question 3244?—A. I think he died about the close of the war.

J. C. COOLEY.

Sworn to and subscribed before us.

WILLIAM W. GREEN,  
Notary Public.

S. M. COON,  
Notary Public.

*Deposition of Daniel J. Van Auken.*

Witness being duly sworn, deposition taken in pursuance of notice filed, and witness being of legal age to testify.

3273. Question. State your name, age, place of residence.—Answer. My name is Daniel J. Van Auken; age, 71; residence, village of Hannibal, Oswego County, New York.

3274. Q. What is your occupation or profession?—A. Attorney at law.

3275. Q. Are you acquainted with Samuel B. Burchard?—A. I know him.

3276. Q. Do you know Lyman James, of the village of Hannibal?—  
A. I do.

3277. Q. State whether or not you read a letter from Mr. S. B. Burchard, of this city, directed to one or more citizens of the village of Hannibal, prior to election, of and concerning the election of Judge Mason?—A. I did.

3278. Q. In whose possession was the letter when you saw and read the same?—A. It was in the possession of my son.

3279. Q. Do you now know where that letter is?—A. I do not.

3280. Q. Have you received any information as to where the letter is or what has become of it?—A. I have not.

3281. Q. Please state when and where you read the letter, and who was present, if any one, when you read the letter?—A. I read the letter; my son and my wife were in the room. It was, I think, a week or ten days before election, at my house.

3282. Q. Did you see and read more than one letter from Mr. Burchard pertaining to the election?—A. I don't think I did.

3283. Q. Have you been informed or have you learned of any other letter than the one you have spoken of as having been written by Samuel B. Burchard to any one in the village of Hannibal in reference to Judge Mason's election?

(Objected to as immaterial and improper. Notaries disagree.)

A. I have.

3284. Q. Can you now state how long before the election you heard of that letter?—A. It was only a few days before election. The letters purported to be written within a few days of each other.

3285. Q. Did you read the letter sufficiently careful to enable you now to give the same in substance?—A. I could not give the letter substantially as written; by that I mean verbatim; but I can give it in substance.

3286. Q. Please give the same in substance as near as you can?

(Objected to, that no foundation has been laid for the evidence: 1st, there is no proof of the loss of the letter, and the letter should be produced; second, there is no evidence that the witness knows the handwriting of the letter or by whom it is written. Question withdrawn for the present.)

3287. Q. Have or have you not had any talk with Mr. Samuel B. Burchard about this letter that you spoke of?—A. I have.

3288. Q. And did he or did he not deny the writing of the same?—A. He admitted he had written a letter.

3289. Q. And did or did you not call his attention to this letter?—A. Yes; I called his attention to it and stated its contents.

3290. Q. Did he then admit that he had written the letter?—A. Certainly; he said he had written a letter, but did not admit the writing of any particular letter.

3291. Q. And were you sufficiently acquainted with his handwriting to know that the signature to the letter was his?—A. That's my opinion. I was acquainted with his handwriting.

3292. Q. You did not retain possession of it, the letter, did you, at that time?—A. I did not.

3293. Q. Have you or have you not been informed that this letter was destroyed?—A. I have been informed that the letter has been mislaid and cannot be found.

(Objected to as immaterial and hearsay.)

3294. Q. You may now state the contents of that letter, as near as you can.

(Objected to, that the letter itself should be produced. There is no evidence here of its loss, and no proof of any effort to obtain it from its proper custodian, and the letter itself is immaterial as affecting the rights of either party to this contest. Notaries disagree.)

A. The letter stated that he had not received the money yet from Judge Mason, and, therefore, that he hadn't been able to send any; but that he expected a large amount from the judge on Saturday, and then he would be able to do as they had talked. He went on to say that he was anxious for the success of the judge, and wished him to be kept up with his ticket in Hannibal or ahead of it. It looked as though it was pretty close. That's all I recollect now. It is not all of the letter

3295. Q. Have you been informed or have you learned of any promises or rewards, or of any money having been paid to Lyman James, of the village of Hannibal, to influence his vote and others in behalf of Judge Mason at the last election?

(Objected to, that Lyman James was called as a witness by the contestant and sworn on this very subject, and denied that he had received any money for that purpose; and that they cannot impeach his testimony, and especially by the hearsay testimony now offered. W. W. Green holds that it has been held from the beginning of this evidence that we were not to decide questions of competency. Notaries differ.)

A. I have.

3296. Q. And from whom did you learn the same?—A. I learned it from Mr. Lyman James and my son. I heard them talking about it.

3297. Q. And have you talked with Lyman James about it?—A. Not specially; what talk I heard was when me and the other party were together.

3298. Q. You may state what you have learned about the payment of money by Mr. Burchard to Mr. James, and promises of reward to influence the election of Judge Mason.

(Objected to as above. Same disagreement as to competency.)

A. I have learned from written statements and oral statements that there had been fifteen dollars received with a promise of thirty-five dollars more from Mr. Burchard.

3299. Q. How long before election did you learn that this money had been received?—A. Some days. I can't tell exactly the number.

3300. Q. Was or was not Mr. James, prior to last election day, a Democrat?—A. So called.

3301. Q. Did you or did you not learn by common talk and common speech of people in the village of Hannibal that money was being used in the village and town of Hannibal to influence votes in the election of Judge Mason?—A. It didn't seem to be much of a secret there.

3302. Q. And was or was it not the common talk of the people of Hannibal that Mr. James had received money for that purpose at the hands of Mr. S. B. Burchard?

(Objected to. Notaries differ.)

A. There was a good deal of that kind of talk.

3303. Q. Did you or did you not understand and learn from Mr. James himself that he had an interview with Judge Mason in Mr. Burchard's presence?

(Objected to.)

A. Yes.

Cross-examination:

3304. Q. You are a Democrat, are you not?—A. Yes, sir.

3305. Q. How long have you been such?—A. Fifty years.

3306. Q. Did you vote for Judge Mason for Congress at the last November election?—A. I did not, sir.

3307. Q. Did you vote for Mr. Duffy?—A. I did.

3308. Q. Did you approve of the indorsement of Mr. Duffy by the Democratic party prior to its being made?—A. I did.

3309. Q. You have been acting as a notary in this contest in the taking of testimony?—A. Yes, sir.

3310. Q. At whose request?—A. Of Mr. Duffy's attorney, Mr. Baker.

3311. When did you last see the letter you have spoken of?—A. I never saw it but once.

3311½. Q. And that was at the time you have stated in your answer?—A. But once, and that a week or ten days before election.

3312. Q. Did you not state in this city last Saturday that you had that letter at that time in your possession?—A. No, sir.

3313. Q. Did you not so state to Mr. Wentworth in this court-room, sitting here?—A. No, sir.

3314. Q. Did Mr. James tell you that he had received any money with reference to the election of Judge Mason?—A. Yes, sir.

3315. Q. When did he say so?—A. A few days prior to the election.

3316. Q. Where did he say so?—A. He said so on the street and at the hotel. I don't recollect any other place.

3317. Q. Who was present when he said so at any time?—A. My son, I think, once or twice.

3318. Q. From whom did he claim to have received the money?—A. From Mr. Burchard.

3319. Q. Did you see any money in his possession which he claimed to have come from Mr. Burchard?—A. I did not.

3320. Q. Have you any personal knowledge of the receipt of money by Mr. James, or any one else in Hannibal, to be used in behalf of Mr. Mason?—A. I have no personal knowledge.

3321. Q. Have you any personal knowledge of the expenditure of money at the election in Hannibal at the last November election in aid of the election of Judge Mason?—A. No, I have not.

3322. Q. By whom have you been informed that this letter was mislaid?—A. My son.

3323. Q. How lately did he so inform you?—A. Within a week.

3324. Q. To whom do you understand this letter to have been addressed?—A. I wouldn't swear whether the letter was addressed to Lyman James or to my son, or to both.

3325. Q. From whose hands did you receive it?—A. I think, and I am pretty sure, from my son.

3326. Q. Has any effort been made by the contestant to secure his attendance and his evidence in this examination?—A. Not to my knowledge.

3327. Q. Is your son now in Hannibal; if not, where is he, and how long has he been there?—A. He is in Geneva, N. Y., and has been there in the neighborhood of four weeks.

3328. Q. How lately have you seen your son?—A. Not since he went away.

3329. Q. Is his residence yet Hannibal?—A. Yes.

#### Redirect examination:

3330. Q. When you speak of personal knowledge of the use of this money you mean only that you was not present when the money was paid by Mr. Burchard?

(Objected to as immaterial.)

A. Of course I do.

3331. Q. From the letter that you read, and from what you have seen and heard, do you or do you not believe that money was paid by Mr. Burchard to influence the election of Judge Mason?

(Objected to as immaterial. Notaries disagree.)

A. I do, most assuredly.

3332. Q. Do you or do you not know how Mr. James voted in regard to Congressman last fall?—A. I do not.

Recross-examination:

3333. Q. How long have you been an attorney?—A. I have practiced for thirty years, more or less.

3334. Q. Do you believe that such evidence as was called for in the last question but one put to you would be received in any court familiar with the rules of evidence in a case where the price of a yard of calico was at issue?

(Objected to as not material. Notaries disagree.)

A. Not only that question, but a great many other questions that have been propounded here, would not be tolerated in any court of justice, both upon the direct and cross examination.

D. J. VAN AUKEN, SR.

Sworn to and subscribed before us, February 24, 1879.

WILLIAM W. GREEN,  
*Notary Public.*

S. M. COON,  
*Notary Public.*

*Certificate of notaries.*

STATE OF NEW YORK,  
*Oswego County, ss:*

We, Daniel J. Van Auken and Chester O. Case, notaries public of the county of Oswego aforesaid. The said Chester O. Case, having been selected by Joseph Mason, contestee, to officiate with the said Daniel J. Van Auken, the officer named in the annexed notice in the taking of the depositions mentioned therein, under the provisions of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America, do hereby certify that Richard Grace, Dennis Sweeney, Lyman James, Michael Gill, and Cornelius Connors appeared before us pursuant to the annexed notice as witnesses on the part of Sebastian Duffy, the contestant in said notice mentioned, and were by us severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned; that we caused the testimony of said witnesses, together with the questions propounded to the witnesses severally by the agents of the parties, and the answers of the witnesses and each and every of them, which testimony and questions and answers thus reduced to writing we caused to be duly attested and subscribed by said witnesses severally in our presence, and in the presence of the agents of the parties. That testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions which is hereto attached, and was continued from day to day as provided in said notice.

And we further certify that the testimony of said witnesses and each and every of them, and said questions and each and every of them so propounded to each of said witnesses, and the answers of said witnesses and of each and every of said witnesses to the questions so propounded

to them, severally appear in the schedule hereto annexed and marked Testimony of Contestant.

Dated at Oswego City, May 5, 1879.

D. J. VAN AUKEN,  
Notary Public.  
CHESTER O. CASE,  
Notary Public.

*Notice for taking evidence.*

*To Joseph Mason, esq., and John J. Lamoree, attorney for said Joseph Mason:*

Please to take notice that under the provisions of chapter 8, title 2, section 108, of the Revised Statutes of the United States of America, the undersigned, Sebastian Duffy, contestant for the seat in the House of Representatives of the United States of America from said twenty-fourth Congressional district of the State of New York, will proceed on the 15th day of February, A. D. 1879, at the hour of 9 o'clock a. m., at the court-house in the city of Oswego, N. Y., to take the depositions of the following-named witnesses residing in the city of Oswego, N. Y., unless otherwise noted: Richard Grace, Valentine Sayles, James McNamarra, Patrick Hartney, Christopher Cusick, Peter M. Cunningham, John D. McRae, Dennis Broderick, Dennis Sweeney, Michael Brophy, Dr. D. Brewster Cooley, Michael Gill, Corneliens Connors, Lyman James.

That said depositions will then and there be taken by and before D. J. Van Auken, a notary public, and that the taking of said depositions will continue from day to day thereafter at the same hour and place.

Yours respectfully,

SEBASTIAN DUFFY.  
By H. D. BAKER,  
Attorney.

Dated Oswego City, N. Y., February 13, 1879.

Personal service admitted this 13th day of February, 1879.

JOHN J. LAMOREE,  
Attorney for Contestee.

*Statement of contestant.*

George N. Burt, the notary named in the annexed notice as the officer before whom the within-named witnesses would be examined on the 18th day of February, failing to appear, and after finally ascertaining that he could not appear, the contestant immediately telegraphed to D. J. Van Auken, esq., a notary public, residing at the village of Hannibal, N. Y. Contestant's counsel, H. D. Baker, esq., immediately upon the arrival of said D. J. Van Auken, called the attention of J. J. Lamoree, contestee's counsel, that he was ready to proceed under said notice; this about half past two or three o'clock in the afternoon. Contestee's counsel, J. J. Lamoree, esq., upon said notice given, replied that Mr. J. B. Alexander, one of contestee's counsel, was not in the court-room, and he could not appear. Contestant waited until half past six o'clock of the same day, to wit, February 18, and then caused the case to be called before said D. J. Van Auken, in the presence of contestee's counsel; and the same was then and there adjourned until the 19th day of February, 1879, at the same hour and place, contestant's witnesses for said



examination having been subpoenaed and remaining in attendance during said day.

The contestant offers and asks that the above be spread upon the record of this investigation.

H. D. BAKER,  
*Attorney for Contestant.*

The objections raised by contestee to the examination of Richard Grace hereinafter following, upon the ground that no sufficient notice as to time, place, and notary, have been duly waived by stipulation subsequently made, under date of February 13, 1879, and the same are to be treated as if said objections had not been made.

JOHN J. LAMOREE,  
*Attorney.*

*Objections of contestee.*

1. RICHARD GRACE called as a witness. Objected to, first: No notice has been served on Mr. Mason, or any one authorized to accept or receive the same, or such notice that evidence would be taken at this time or place before D. J. Van Auken or any other person authorized to take evidence in this contest or proceeding.

2. It does not appear that D. J. Van Auken is a notary public, or that he is an officer duly qualified to act in the taking of evidence in the matter of this kind.

3. The contestee demands that the notice under which evidence is here sought to be taken be here produced by the contestant, with due proof of the service of the same upon the contestee, Joseph Mason, or the agent or attorney of said Joseph Mason, in accordance with the provisions of the statutes of the United States in such case made and provided.

Notaries disagree; D. J. Van Auken holding he will proceed to take testimony in the case.

4. The contestee further objects to the taking of evidence in this contest until the contestant first elects under which notice of contest claimed to have been served on the contestee, viz: one in writing upon the contestee December 26, 1878, and a certain other notice claimed to have been served by telegraph the same to the contestee subsequent to December 26, 1878. The attorney for the contestant refuses to elect under which notice he will proceed.

Notaries disagree; D. J. Van Auken holding it is not imperative.

Contestee further objects to the taking of evidence under the notice of contest served, on or about December 27, 1878, by telegraph, upon the grounds, first, that such notice was not served within the time required by law.

5. That such notice was invalid because the same is not in writing or signed by the contestant, in accordance with the statute of the United States relating to contested Congressional elections.

6. The contestee further objects, that the notaries cannot proceed to take testimony in this proceeding without having produced before them proof of the service of the notice of contestant upon the contestee.

Contestee further objects to this proceeding except under the contestant's notice of contest made in writing, served upon the contestee December 26, 1878.

Dated Pulaski, December 23, 1878.

SEBASTIAN DUFFEE.

*Deposition of Richard Grace.*

RICHARD GRACE sworn.

1. Question. What is your age, occupation, and residence?—Answer. Age, thirty-three; occupation, mechanic; residence, No. 10 Yates avenue, eighth ward.

2. Q. How long have you lived in the eighth ward?—A. I have lived in that locality about thirty years.

(Contestee further objects to taking evidence until due notice of the time and place shall have been served upon contestee, and until such facts are made to appear by proper notice and proof of the same shall be placed on file with the notice. Notaries disagree.)

3. Q. You are a voter?—A. I am a voter, and have been ten years.

4. Q. Have you been during that time an attendant upon the polls at the eighth ward?—A. I have.

5. Q. Have you during that time paid attention more or less to the question of politics in the city of Oswego?—A. I have.

6. Q. Have you for the last five years been well acquainted with the political affairs in the city of Oswego?—A. I have.

7. Q. Do you know the Oswego starch factory?—A. I do.

8. Q. Has there been any public repute in the community as to the voters working in the starch factory being required by their employers to vote at elections in any particular manner or for the candidates of any particular party as a condition to being retained in service?

(Objected to on the ground that it is leading and improper and that the question assumes facts of which no proof has been given, and incompetent and immaterial. Notaries disagree.)

A. There has been such public repute for the last five years.

9. Q. Has that public repute been general for the last five years and over?

(Objected to, and decision as before; also question vague and indefinite; decision as before.)

A. It has been general for the last five years or more.

10. Q. Was such the general repute at the last fall election?

(Objected to, and decision as before.)

A. It was.

11. Q. How, according to such general repute, the speech of people, were the employés of the starch factory required to vote at the last election in November, 1878, in order to be retained in employment in the starch factory?

(Objected to on the ground that it is improper and incompetent as being hearsay evidence and not the best evidence of such fact, if fact it be. It is an attempt to prove something by the witness of which he has no personal knowledge; also immaterial. Decision the same.)

A. The employés are required to vote the Republican ticket, according to such public repute.

12. Q. Was there any public repute last fall at the time of the election as to whom the employés of the starch factory were required to vote for for member of Congress in order to be retained in employment in the starch factory?

(Same objection as before to No. 11; same decision; also indefinite as to time.)

A. There was that repute but not as to any particular candidate.

13. Q. Was there such repute at the time of the last fall election that such employés were required to vote for all the Republican candidates as a condition to be retained in employ at the starch factory?

(Objection same as to No. 11; decision same; also improper, as leading witness and framing the answer which contestant desires to make.)

A. There was such general repute that the employés of the starch factory were required to vote the whole Republican ticket.

14. Q. Do you know as to the system of marshaling the votes of the starch factory to vote from general repute or otherwise?

(Objection the same as to No. 13; decision the same. Contestee's counsel asks for a division of the question, so his answer may relate to his reputed knowledge and, 2d, his personal knowledge, if any.)

A. I have the knowledge both general and special.)

15. Q. From such general repute what is the system adopted by the starch factory in marshaling their employés to the polls on election days?

(Same objection as to No. 13; same decision.)

A. From general repute, men in the starch factory are required, when they go to the polls in their respective wards, to take their tickets from persons designated and named to have tickets and supply respective parties with tickets, and to deposit those tickets they have received in the ballot-box supplied by them; and further, from general repute, the bosses are required to report the whole proceedings to the office of the Oswego starch factory.

16. Q. From general repute (are the persons whom you have spoken of) who are the persons from whom the employés of the starch factory are required to get these tickets they are required to vote at elections?

(Objections same as No. 11; decision same; also the question should be to the election of 1878.)

A. From the bosses employed at the Oswego starch factory, from general repute.

17. Q. What were the politics of such bosses?

(Objections same as No. 11; decision same.)

A. They belonged to the Republican party, from general repute.

18. Q. In this reputed marshaling of voters to the polls, has there been any public reputation as to persons being stationed between the starch factory and the polls in any of the wards to watch starch-factory voters on their way from the starch factory to the polling-places on election day?

(Objection same as No. 13.)

A. From public reputation there was.

19. Q. What has public reputation been for the last five years in that respect and was last fall?

(Objection same as No. 13.)

A. By public reputation, one of the starch-factory men was stationed in front of the ballot-box to ask the employé to show him his ticket, and if there is any alteration in the ticket he gives him another.

20. Q. According to public reputation, was the system of marshaling starch-factory voters to the polls and watching them at the polls in operation at the last fall's election?

(Objection same as No. 13.)

A. It was.

21. Q. What knowledge have you arrived at, from personal observation, in regard to the manner of managing starch-factory voters at elections in the city of Oswego?

(Objection same as No. 13.)

A. I have had conversations at different times with some of the bosses in the Oswego starch factory and some of the men employed in the fac-

tory in relation to that matter, and overheard conversations indulged in by parties in groups in reference to this matter——

(Contestee's counsel objects to witness stating hearsay evidence and conversation)——

in my presence. An individual, in my presence, told one of the bosses, you have always been a good Democrat; says the boss, I am as good a Democrat at heart to-day as I ever was, and would vote the Democratic ticket if I dare.

22. Q. State any other fact.

(Objection same as No. 13.)

A. The Democratic candidate for an office, in my presence, asked an employé of the Oswego starch factory to vote for him; he replied, sir, I am sorry that I can't do it; I would with all my heart vote for you but I durst not do it. (Taken under objection.) Also two other bosses employed in the Oswego starch factory, with paper and pencil in hand, watching the voters, one of the bosses said to the other, "How did those two men vote?" The boss replied, "They voted the Democratic ticket." The other replied, "Mark them—their names." Also other men, temporarily employed in the starch factory, asked me to fix Democratic tickets with Republican headings, and give it to them unobserved by any of the bosses, and I done so, and I done this on several occasions—by those temporarily engaged in the starch factory.

23. Q. Did any of those instances that came to your personal knowledge occur last fall?—A. I was supervisor of election last fall, and consequently was not outside.

24. Q. Did you hear of any cases last fall of the starch factory voters desiring to vote the Democratic ticket were dissuaded from doing so for fear of being discharged?

(Objected to as before and No. 13.)

A. I did.

25. Q. State the cases.

(Objected as before; same decision; notaries disagree.)

A. Patrick Brennan was employed temporarily, and voted the Republican ticket and never voted so before in his life.

26. Q. How old a man was he?—A. Upwards of sixty.

27. Q. How long had he lived in your ward?—A. Has lived in that locality 40 years.

28. Q. Previous to last fall how long have you known him to vote the Democratic ticket?

(Objection as before and 13.)

A. From twenty to twenty-five years.

29. Q. How did you know or hear that he voted the Republican ticket last fall because he was afraid of being discharged from his employment?

(Objection as before.)

A. I learned it from men who were working at the polls last fall. I heard it generally discussed at the polls last fall on election day.

30. Q. Who has had the general management of the starch factory for the last eight or ten years?

(Objection as before.)

31. Q. Who exercises, from public repute, the power for discharging employés from the starch factory?—A. Thompson Kingsford.

32. Q. Do you know whether the Oswego starch factory or Thompson Kingsford last fall at the time of election were putting up or laying the foundation for a large building on west First street in the city of Oswego—A. Don't know personally. I saw Kingsford there superintending the work, and reputation said he was the proprietor.

33. Q. Where was this building you saw Thompson Kingsford superintending located?—A. On the west side of Oswego River, on the block formerly known as the new hotel block, on the north side of Seneca street, between First and Water streets.

34. Q. Can you tell about how many men there were at work on that building immediately before and after the fall election.

(Objection as No. 13.)

A. There were from two to three hundred men at work there at different times.

35. Q. Will you state whether there was a current general report in the city of Oswego at the time of the last fall election that Thompson Kingsford required all those men to vote the Republican ticket as a condition of being retained in employment?

(Objection as to No. 13.)

A. It was so reported.

36. Q. State whether Patrick Brennan, of whom you have spoken being temporarily employed in the employ of the starch factory company, was one of the men engaged upon this building at the time of election?

(Objected to.)

A. He was.

37. Q. In your testimony here given did you regard the men working upon that building as in the employment of the starch factory company?

(Objection as to No. 13.)

A. I did.

38. Q. At what time did they commence this building?—A. Some time last September.

39. Q. State at what time, as near as you can, there were the most men at work on this building with reference to the time of election?

(Objection as to No. 13.)

A. The best of my recollection, about the middle of October.

40. Q. State whether about the same number of men were continued in employ from the middle of October until after election?

(Objection as to No. 13.)

A. There were.

41. Q. At about what time did they commence to reduce the number of men at work?

(Objection as to No. 13.)

A. A few days after election.

42. Q. In your answer did you state the number of men employed in the starch factory?—A. I did not; the question was not asked.

43. Q. State the number of men usually employed in the starch factory, aside from the men employed on the building on West First street of which you have spoken, as near as you are able to, from personal knowledge and general repute?

(Objected to as No. 13.)

A. About 400 men from general repute.

44. Q. From general repute are there that number of voters?

(Objected as before.)

A. There are.

45. Q. What ward is the building in you spoke of being constructed last fall?—A. In the first ward.

46. Q. Do you know what countryman is Mr. Kingsford?—A. English.

47. Q. What countrymen are the bulk of his employés?—A. Irish, from general reputation.

## Cross-examination :

(Lamoree appears for contestee and asks that each and all the evidence heretofore taken before Notaries Van Auken and Case be stricken out on the ground no notice of a hearing for depositions to be taken at this time and place has been served on the contestee, in accordance with the statute in such case made and provided, and asks by what advice contestant assumes to take depositions in his contest for a seat from the twenty-fourth Congressional district of the State of New York, and Forty-sixth Congress, with Joseph Mason, and objects to all hearing and taking of depositions at this time and place, and that the same be filed with the notaries for inspection by contestee or his attorney. Contestee's counsel asks the ruling of the notaries upon each question presented.

Notaries disagree. D. J. Van Auken denies the motion to strike out; Notary Van Auken declines to rule upon the sufficiency of notice as requested by contestee's counsel, there not being evidence sufficient before him to warrant a ruling.

Contestant's counsel consents that an affidavit may be filed at any time, the same as though filed now.

The contestee now proceeds to cross-examine Richard Grace, a witness now upon the stand, under protest.)

48. Q. Where do you reside?—A. No. 10 Mason street, eighth ward, city of Oswego.

49. Q. How long have you lived in that ward?—A. About thirty-one years.

50. Q. Have you always been a Democrat in your politics?—A. Always.

51. Q. Were you at the polls on election day, November 5, 1878?—A. I was in the polls.

52. Q. In what manner was you at the polls?—A. As supervisor.

53. Q. Who was the other supervisor?—A. Robert S. Kelsey.

54. Q. Who were the marshals?—A. John K. Smith and Willis Brunot.

55. Q. In your at the close of election did you make a report and statement in writing, under oath, relating to the election?—A. I did.

56. Q. Did you answer such questions as were therein contained conscientiously and truthfully, according to the best of your ability?—A. I did.

(Objected to on the ground that the writing is best evidence.)

57. Q. Do you now believe you fulfilled your duty honestly and conscientiously on the day of election?—A. I do.

58. Q. Were you called upon at this time to make a similar statement with reference to the election in the eighth ward, would your action be now as then?—A. I would.

59. Q. Did you know from your own knowledge, or have you since learned from others, of any fact which has impressed your mind with the idea that the election in the eighth ward of Oswego was not in all respects fair and just, and in keeping with the election law under which you acted?—A. I had no personal knowledge that it was not in accordance with the laws under which I acted.

60. Q. Have you any knowledge which has impressed your mind with the fact that fraudulent acts were resorted to in that ward at the last general election?—A. From what I have heard discussed since, the election was not conducted fairly.

61. Q. When and where did you receive that knowledge?—A. I heard J. B. Higgins, B. H. Judson, William Cody, Patrick Grace, John Masel.

62. Q. Were the persons all present at the time you received this information?

(Objected to.)

A. I don't remember as all present at one time.

63. Q. Then your answer to my question is no?

(Objected to by contestant's counsel.)

64. Q. Who is the first man you talked with on that subject?—A. I have not talked with any one on the subject.

65. Q. Who is the first man who talked to you on that subject?—A. No man has talked with me on that subject.

66. Q. Who is the first man who talked in your presence on that subject?—A. Patrick Grace.

67. Q. Where was that, the first time, and when?—A. Near the Marine Bank; two or three weeks ago.

68. Q. What did Patrick Grace say in your presence on that subject at that time?—A. He said there were men came from the sash and blind and starch factories to the polls. We offered them tickets. They said they could not vote the Democratic ticket at this time; we have to vote the other way.

69. Q. Did Patrick Grace on that occasion say who those men were, what their politics had been in the past, or who came with them?—A. I don't know that he did.

70. Q. Did any one at the time of the conversation give the names of any person that came from the starch factory and wanted and refused to vote the Democratic ticket?—A. I believe they did. John Tully voted the Democratic ticket.

71. Q. What names did they give?—A. Patrick Brannon, John Cody

72. Q. Did any one state how either Brannon or Cody voted?—A. The Republican ticket; could not vote Democratic; had to vote it.

73. Q. I understand you to say this conversation relates to the last election, November, 1878?—A. Yes.

74. Q. Have you since heard from any other person who came from the starch factory and refused to vote the Democratic ticket?—A. No.

75. Q. Then those two persons are the only ones to whom your attention has been directed in Kingsford's employ and refused to vote the Democratic ticket?—A. Yes.

76. Q. From which place did those two men come from, the starch factory or the building on West First street?—A. The building on West First street.

77. Q. You mean the building to which you referred in your first statement—referred on your direct examination?

78. Q. Do you know who were the foremen on that building?—A. No.

79. Q. What was their business or vocation?—A. Common laborers.

80. Q. Did you know of the destruction of the sash and blind factory where O. M. Blanchard & Co. had been doing business prior to last August?—A. I did.

81. Q. Did you understand that the building in process of erection by Mr. Kingsford on West First street is designed for the accommodation of Blanchard & Co.?—A. I did.

82. Q. Did you know that O. M. Blanchard prior to the loss of their building in August employed from one to two hundred hands?—A. I did not.

83. Q. Did you understand they employed a large number of men?—A. I did.

84. Q. Did you know or understand that it was very difficult for them to find a place to resume their business?—A. I did not understand any such thing.

85. Q. And did you not understand for that reason they were talking of leaving the city?—A. I did not understand it so—would leave the city on that account.

86. Q. Did you not know of a great deal of anxiety in the city on that account?—A. No; I did not. I heard some express themselves as favorable to their going.

87. Q. Did you not know that the holding out some pecuniary inducement for them to remain in the city was held out for them to remain, in the city papers?—A. I did not, only in papers.

88. Q. Did you not know that the committee on manufactures of the board of trade waited on Mr. Kingsford and requested his aid in furnishing a building for Blanchard & Co.?—A. I did not.

89. Q. State what you understood on that subject.—A. I understood that a committee of the board of trade invited Blanchard & Co., at the city hall, to negotiate with the Ames estate, and made a proposition that was not accepted by Ames. I understood that some of the board of trade in the city hall, and wished the firm of A. A. Blanchard & Co. to discuss the matter of meeting with their works and purchasing the site of the Ames estate to erect their works, and Ward Ames, administrator of the Ames estate, make a proposition they were not acceded to. Mr. Kingsford thereupon and after sent a proposition to the Blanchard firm to erect a building, and desired an interview. They had such interview and failed to come to terms. They then determined to go away; then negotiations were opened again, and this building was finally put up.

90. Q. Were not the concluding negotiations for the erection of this building late in the season for a building of such extent?—A. It was.

91. Q. About how late in the season? Do you remember?—A. I think in September or October.

92. Q. Now, owing to the lateness of the season and the expense of the building, do you not understand a large force was immediately put to work with a view, if possible, to get the walls up and building inclosed before cold weather?—A. Yes.

93. Q. And did you not understand, with that view, the work was pressed to the utmost?—A. I did.

94. Q. Was the season favorable for such work?—A. It was not favorable for mason work.

95. Q. How far were they able to advance with their work before winter came?—A. It was about the middle of November when it became very rainy.

96. Q. And what time did the weather become unfavorable to continue such work?—A. The fore part of December.

97. Q. Do you know of one unnecessary man employed upon that building?—A. I do not.

98. Q. Do you know of a single man to have been discharged from that building at a time when his services could have been rendered to advantage?—A. I can't say as to that.

99. Q. Have you heard of any man having been discharged from work on that building when his services could have been of advantage to the building?—A. I have not.

100. Q. Do you know the foremen who were employed on that building?—A. James L. Quek, and William Brady, and Philip Turner, John Rudigan, Charles Newel, John Burnett, Richard Alsentyne.

101. Q. What is Quegg's politics?—A. I don't know.

102. Q. What is Newell's politics?—A. Greenback.

103. Q. What were Radigan's politics?—A. Greenbacker.



104. Q. Has not he always been a Democrat?—A. Has until a Green-backer.

105. Q. What were Burnett's politics?—A. Republican; said he voted the Greenback ticket after the charter election.

106. Q. Now, are you not satisfied from what you know and have learned of the men employed upon that building that they represented all parties?—A. I am.

107. Q. Have you any reason to believe they were selected according to their previous predilections?—A. I have no occasion to believe that.

108. Q. Did you ever know of Mr. Kingsford ever commencing the erection of a large building and employing a large number of men at that season of the year before, on any former occasion?—A. I do.

109. Q. You may state on what building?—A. On the corner of First and Erie streets.

THURSDAY, A. M., *February 20, 1879.*

Cross-examination of R. GREEN resumed:

110. Q. Did you understand it to be an enlargement of the store he then occupied?—A. I did.

111. Q. Do you know whether that improvement commenced before or after election?—A. Commenced before election.

112. Q. Are you positive it was commenced before election?—A. I am.

113. Q. Do you know how many men were employed on that building?—A. I do not.

114. Q. Have you knowledge of Mr. Kingsford having on any previous year commenced the erection or enlargement of any building in the fall of the year?—A. I believe I have.

115. Q. State when and where.—A. I think four or five years ago, one of their new buildings—a stone building; the mason work was completed. I know of some carpenters employed there.

116. Q. And was not that completing a building which had been commenced early in the season, and in which the walls had been erected early in the season?—A. It had been erected before the time I am speaking of.

117. Q. And did you at the time regard it as anything strange or unusual that carpenters should at that time continue their work after the walls had been completed?—A. I did not.

118. Q. I now renew my question. Aside from the building on First street and the enlargement of the store, have you ever known Mr. Kingsford to enter upon the accomplishment or erection of any building or great improvement about election time within twenty years?—A. I do.

119. Q. State when and where, and what building.—A. About ten or eleven years ago, a brick building or addition to the box-factory on First and Niagara streets.

120. Q. In what season of the year did they commence the addition to the box-factory?—A. About the middle of summer.

121. Q. I now renew my question, and ask you to confine yourself to erections and improvements commenced about election time.—A. Last fall, about the first or middle of October, they commenced an addition to a brick building known as formerly a knitting factory.

122. Q. How large a building was it?—A. About 50x60 feet, five or six stories.

123. Q. When did they complete it?—A. I don't know as it is completed yet.

124. Q. What did they do to it last fall?—A. Inclosed it.

125. Q. Did you know of their doing work upon that building of any amount after entering upon their job on First street for Blanchard & Co.?—A. The work was all done after the Blanchard work commenced.

126. Q. How many men do you know of being employed on this improvement of the starch factory?—A. I don't know of any.

127. Q. Can you name any other building or important improvement having been commenced by Thomson Kingsford about election time during twenty years?—A. Not in particular; no, I do not.

128. Q. You have attended a great many political meetings in Oswego for the last twenty years?—A. I have attended all the meetings of all political parties.

129. Q. Have you made politics a matter of special interest to you since you became a voter?—A. I have not.

130. Q. Are you acquainted generally with the politicians of the city of all politics?—A. I believe I am.

131. Q. Have you formed that acquaintance largely from your observation and attendance upon the political meetings of the various parties, and your attendance at the polls?—A. I have wholly.

132. Q. Do you know of Thomson Kingsford during the past twenty years having attended or taking a personal interest in any political meeting in the city of Oswego?

(Objected to on the ground that the question is double.)

A. I can't say as I have seen him at any.

133. Q. Do you remember of having on any occasion received knowledge as to Mr. Kingsford's having attended a political caucus or primary meeting of any kind? And, if so, state where.—A. I have not.

134. Q. Have you, during the past twenty years, on any occasion seen Mr. Kingsford, or had knowledge as to any appearance by him at any poll in the city otherwise than to cast his vote on election day?—A. No.

135. Q. Have you, during the past twenty years, personal knowledge of Mr. Kingsford having directly or indirectly undertaken to influence the action of any voters at any ward in the city of Oswego?—A. I have not.

136. Q. In what ward of the city is the starch factory located?—A. Fifth ward.

137. Q. And from what ward, if you know, are the employees of the starch factory more generally taken?—A. From the fifth ward.

138. Q. What has been the politics of that ward since it was organized?—A. It has given both Democratic and Republican majorities.

139. Q. Has not the fifth ward during its organization been classed and regarded in Democratic circles as a reliable Democratic ward?—A. Not at all times.

140. Q. Can you name any ward in the city that has given more uniform Democratic majorities than the fifth ward? If so, name them.—A. The eighth ward has.

141. Q. Can you name any other?—A. That is the only reliable Democratic ward in the city.

142. Q. And did not that ward give a decided Republican majority for Daniel G. Foot, candidate for State treasurer, a short time ago?—A. It did.

143. Q. And did not that ward give a Republican majority to Charles North a year ago for member of assembly?—A. It gave him a majority.

144. Q. And did not that ward elect a Republican alderman in the person of John K. Smith four years ago this spring?—A. It did.

145. Q. And did not that ward come within two votes of electing a Republican alderman two years ago?—A. It did.

146. Q. And did not that ward last fall give a Republican majority to George B. Sloan, the present member of assembly?

(Objected to as double.)

A. It did.

147. Q. And now you say that is the only reliable Democratic ward?—A. I do.

148. Q. What is the next most reliable ward in the city, Democratic, in your ward, and has been for the last ten years?—A. Second ward.

149. Q. And has not that ward repeatedly given Republican majorities?—A. It has given such majorities for some candidates.

150. Q. And did it not elect a Greenback alderman last March?—A. It did.

151. Q. And did it not elect a school commissioner, Republican, last spring?

152. Q. Which is the next most reliable Democratic ward?—A. First ward has been.

153. Q. And has not that ward given repeated Republican majorities for member of assembly?—A. It has at times.

154. Q. Did it last fall?—A. It did.

155. Q. Has it been represented in the common council by Republican aldermen?

(Objected to by contestant's counsel on the ground that the examination is not legitimate cross-examination, and is not in answer to the direct examination. Notaries disagree.)

A. It has been.

156. Q. And how recently?—A. Up to a year ago last March, one term.

157. Q. Which do you call the next most reliable?—A. Sixth ward.

158. Q. Have you ever known the sixth ward to give a Democratic majority at any general election for the Democratic ticket?—A. I have known it to give majorities for Democratic candidates.

159. Q. Did you ever know that ward to give a Democratic majority to the Democratic ticket at any general election for city, county, State or national ticket?—A. I do not.

160. Q. Has not the fifth ward, where the starch factory influence more largely predominates, repeatedly given Democratic majorities on each and all of those tickets?—A. It has at times.

161. Q. Has it not been regarded in Democratic circles during the past nine or ten years as a Democratic ward?—A. It has been so regarded.

162. Q. And has it been regarded both ways?—A. It has.

163. Q. And it has given both Democratic and Republican majorities?—A. It has.

164. Q. Did not the Democratic party in that ward four years ago divide and support an Independent candidate for alderman?—A. I think it was three years ago.

165. Q. And has there not been a Democratic feud or disagreement between Democratic leaders in that ward ever since?—A. Not on general politics; on some candidates there has.

166. Q. And did not the Greenback element one year ago largely absorb one of those factions?—A. I don't know; they drew from both parties.

167. Q. In consequence was not the politics of the fifth ward last fall seriously disarranged?—A. It was.

168. Q. And was not the Democratic party seriously weakened in consequence of the Greenback movement?

(Objected to; the question is double.)

A. In my judgment they were neither weakened or demoralized.

169. Q. Has not the Democratic party in its traditional history been a hard-money party?—A. I can't tell. I am a soft-money Democrat.

170. Q. Were not the Democrats of the city divided in sentiment upon the financial questions presented at the last election?—A. No more than the other party.

171. Q. Was not the Democratic party divided in sentiment upon the question of hard and fiat money?—A. I don't know of any such money as fiat money. I never saw such.

172. Q. I mean an irredeemable currency.

173. Q. Was not the Democratic party divided in sentiment with reference to the propriety of the general government resuming specie payments in the city?

(Objected to as irrelevant and immaterial and not the proper subject for examination, and that said questions are only put for the purpose of consuming time; and contestant's counsel protests against the consumption of so much time in the examination of irrelevant matter on the ground that the time is nearly exhausted in taking testimony on the part of the contestant and that only a small part of the testimony will or can be taken.

Contestee's counsel objects to the contestant's objection going upon the record as not being true in fact, and that very many days have been spent at the instance of contestant when no appearance on his part to take testimony, and he should not now seek to limit a proper and necessary cross-examination upon the question of time.

The notary D. J. VanAuken holds the objection is proper and should be spread upon the record, and is properly so.

With reference to the contestee's objection he holds that it is not proper and has seen no evidence that contestant was for consuming more time than was necessary, but has given evidence of a desire to progress, and question should be excluded.)

A. As a party they were not.

174. Q. As a party did they approve or disapprove of specie payment by the general government?

(Objection as 173; same ruling.)

A. As a party they were.

175. Q. And was Mr. Duffy, as you understood, committed to the support of resumption or opposed to resumption in case of his election?

(Objection as 173; and disagreed.)

A. I did not understand his position on that question.

176. Q. Did you understand him in politics a Greenbacker, so called, in sentiment?—A. I did not understand his sentiment as a Greenbacker.

177. Q. Did you know of his being first nominated for Congress by the Greenback party, so called?—A. I did from hearsay.

178. Q. Did you not understand from that fact, and therefore believe his financial sentiment to be in harmony with the Greenback party and opposed to the Democratic idea of resumption?—A. I did not understand he was opposed to resumption.

179. Q. Were you in favor of resumption of specie payments according to the Democratic idea?—A. I was.

180. Q. And had you known it would you have supported a candi-

date opposed to Democratic resumption?—A. I would have voted so for Mr. Duffy and against Mason.

181. Q. What did you know in favor of Duffy and against Mason?—A. Personally I know neither.

182. Q. State why you would not support Mason, who favored resumption according to the Democratic idea, as well as the Greenback nominee opposed to that idea.—A. I did not know Mason was in favor of resumption.

183. Q. Had you known Mason to have been in favor of resumption and Duffy opposed, would you have supported Mr. Duffy?—A. I would.

184. Q. On what ground would you then have placed your preference for Duffy?—A. Under Republican rule for the last sixteen or eighteen years, and the outrages at the last Presidential election, such gross frauds in seating Hayes, the President, had been committed by Republicans and John Sherman, clerk, I desired to vote for a Democrat so that we have a change of government in every branch.

185. Q. Did you then expect to roost under one of its branches?—A. I did not.

186. Q. Did you not hear it repeatedly spoken about before election that many Democrats were not in sympathy with Duffy's nomination or indorsing him by the Democratic party?—A. I did, and spoke of it myself and preferred a straight a Democratic nomination and nevertheless, I consented to eat crow.

187. Q. Do you know how many Democrats in the district bolting the ticket or that dish of crow?—A. I don't know of any; that is not saying there wasn't any.

188. Q. Have you not heard it said that leading Democrats in the city of Oswego refused to support Mr. Duffy because he was a Greenbacker and opposed to the Democratic idea of resumption?—A. I have not; on the contrary I heard leading Democrats express their preference for Duffy because he would act with the Democrats, if elected, in Congress.

189. Q. How came that question up and under discussion?—A. In front of the Palladium office one evening, there were fifteen or twenty leading Democrats, and the subject came up.

190. Q. What leading Democrats were in that crowd?—A. W. A. Poucher, J. B. Higgins, D. H. Judson, J. A. Barry, myself, and C. N. Bulger; can't remember any more.

191. Q. Who said anything and what was said?—A. I think Mr. Barry said Mr. Duffy is a Democrat and a roarer for reciprocity, and that is what the Democrats desire and the other party ought also to desire it.

192. Q. What did any one else say?—A. Mr. Poucher said he was the best and strongest man the Democrats could support.

193. Q. Was John A. Barry editing a political paper at that time?—A. I understood he was one of the editors of such a paper.

194. Q. And did that paper support Duffy?

(Objected to as not material to the issue, and say there is no allegation in the contestee's answer charging either directly or indirectly that the contestant, Sebastian Duffy, was not supported by the Democratic press of the district, or the paper edited by John A. Barry. 2d. That the evidence belongs to the contestee's case. Notaries disagree.)

A. It did.

195. Q. And was not William A. Poucher one of the delegates in convention that indorsed Mr. Duffy?—A. He was not a delegate and not elected to the convention.

196. Q. Was he an acting delegate in the convention that indorsed

Duffy?—A. I understood Mr. Poucher attended the convention, but did not know as he acted as a delegate.

197. Q. Were you in the convention that indorsed Duffy?—A. I was not.

198. Q. Was not John B. Higgins, of whom you have spoken, a candidate on the Democratic ticket for recorder?—A. I don't know as he was at that time.

199. Q. Was he during the campaign the Democratic candidate?—A. He was.

200. Q. And was he indorsed for that nomination by the Greenback party in the city?—A. He was not.

201. Q. Then a local contest was kept up between a portion of the Democratic ticket and a portion of the Greenback ticket until the day of election?—A. I don't know of any.

202. Q. Who run for recorder on the Greenback ticket?—A. John White.

203. Q. Did you know of an effort having been made shortly before the election to secure the withdrawal of the Greenback candidate in favor of Mr. Higgins?—A. I know nothing, only an article published in the Palladium, purporting to come from the Democratic city committee, addressed to John J. White; but Mr. Higgins told me he could prevail on Mr. White, but thought it not best.

204. Q. Was there not much feeling exhibited through the columns of the Oswego Palladium, and did not that feeling find expression upon the street, and in the columns of the Greenback organ, the Oswego Morning Sun, growing out of the fact that the Greenback party, and especially John J. White, their candidate, refused to withdraw in favor of the Democratic candidate?

(Objected to by attorney for contestant as not material to the issue between Duffy and Mason. Objection sustained.)

205. Q. Do you know of a man having been discharged from Mr. Kingsford's building, on West First street, during the month of November?—A. I think I do.

206. Q. You may name him.—A. Mr. James Carroll. He told me he was discharged. He lives in the eighth ward.

207. Q. When did he tell you that?—A. Some time in November.

208. Q. Did he tell you for what reason he was discharged?—A. He did not.

209. Q. I ask you to name another man.—A. I saw John Cody idle in the month of November, and John Scully also.

210. Q. Do you know whether they had been discharged from that building and for what purpose?—A. I don't know.

211. Q. Do you know of any other person who was discharged from that building during the month of November?—A. I do not.

212. Q. Do you know of any person having been discharged from that building under circumstances which lead you to the conclusion that that discharge resulted from political causes? If so, state when.—A. I cannot tell the cause.

213. Q. Have you reason to believe, sir, that any employé of that building was so discharged? And, if so, state whom that person may be.—A. I have reasons; I can't give the names.

214. Q. What do you know, sir, with reference to their reducing their force immediately after election?—A. I knew of none only from common report.

215. Q. From whom did you get those reports?—A. Don't know as I can name any person.

216. Q. Now, sir, was it not commenced in the city papers shortly after election-day that Mr. Kingsford had decided to increase his force with a view to inclosing the building, if possible, before winter set in?—A. I saw none.

217. Q. Was it not, sir, the general talk in the city that Mr. Kingsford had resolved on inclosing that building, if possible, before cold weather set in?—A. There was some such talk.

218. Q. Was it not announced through the papers and talked upon the street that Mr. Kingsford, with a view to crowding that building forward to the utmost, had sent to Baldwinsville, Syracuse, and other places for laborers?—A. I did not understand it so.

219. Q. Did you hear of his sending out of town for workmen upon that building?—A. I did not.

220. Q. Was not every man employed upon the building, substantially every man, discharged from that work—the same work?—A. I think not. Some were working longer than others.

221. Q. But were not a great majority of them discharged at the same time?—A. I don't know anything about when they were discharged.

222. Q. Have you any idea as to the number of Democrats employed upon that building at the time of election?—A. I have no idea.

223. Q. Have you any idea as to the number of Greenbackers employed?—A. I know of only three or four. There might have been more.

224. Q. Will you swear that there were not more men employed upon that building one week before they suspended labor altogether than on election-day?—A. I don't know as there was.

225. Q. Do you know there was was not?—A. I do not.

226. Q. Will you swear, sir, that Mr. Kingsford reduced that force from the day of election at any time down to within one week of their final suspension of business last fall?—A. I don't know.

227. Q. You say, sir, that you regard all of those men as having been in the employ of the Oswego starch factory; do you still say that?—A. I haven't said that.

228. Q. Do you not know that Charles Newell was working on that building under contract?—A. I know it by common report; I understood he had the contract for putting up the brickwork.

229. Q. Is it not a fact that Newell, after taking his contract, selected and employed his own men?—A. I don't know that; I suppose he did.

230. Q. Now, have you any reason to believe that Mr. Newell imposed as a condition to that employment a requirement that his men should vote the Republican ticket?—A. I have no reason to believe it.

231. Q. Do you not know that John Ratigan took the contract for building the stone-work?—A. I do not know.

232. Q. Do you know what department Mr. Ratigan had charge of?—A. I don't know as he had charge of any department; he worked dressing stone in the capacity of boss.

233. Q. Do you not know that he was there engaged under contract?—A. I do not.

234. Q. Will you swear that he was not so engaged in the dressing and laying up of stone?—A. I will not; I don't know.

235. Q. Do you not know that Mr. Ratigan selected and employed the force of men under his charge?—A. I think he did not.

236. Q. What reason have you for thinking he did not?—A. I have this reason: a young man by the name of Dyer something—I heard him state that a few boys pitched up a few old stone-hammers and asked Kingsford for a job of work. He asked them if they were prac-

tical stone-dressers; they said they were, and he said they could go to work.

237. Q. He did not say anything as to Kingsford's political requirements?—A. No, sir.

238. Q. Do you believe that John Ratigan would impose a condition upon men employed by him that they vote the Republican ticket?

(Objected to by contestant as immaterial, and that it is proven. Notary Van Auken sustains objection, and case continues.)

A. I don't believe he would impose that as a condition.

239. Q. You stated last night that the first time you knew anything in reference to this matter was since this contest commenced.—A. I don't think I said so.

240. Q. When do you now say that you first received knowledge with reference to any improper influences brought to bear at the poll November 5?—A. Two or three weeks ago.

241. Q. Up to that time had you any reason to believe that anything had transpired in this Congressional district that was not warranted by the plain provisions of the election law?—A. I had no reason to believe; I have none now.

242. Q. And when did you first hear of anything?—A. One Sunday evening, two or three weeks after election, me and Mr. Higgins were going home together and got to talking about election.

243. Q. What did you hear then?—A. I can't state.

244. Q. Did you hear anything about it on election day?—A. I did not.

245. Q. How old a man is Patrick Brennan?—A. About sixty years.

246. Q. And will you swear he never voted anything but the Democratic ticket in his life?—A. I will not.

247. Q. Will you swear that he has not voted the Republican ticket within the last five years?—A. I cannot swear to that.

248. Q. Will you swear that you know how he voted last fall?—A. No; only by hearsay.

249. Q. Did you ever hear him say how he voted last fall?—A. No.

250. Q. From whom did you obtain your information?—A. I think Mr. Higgins mentioned it.

251. Q. Did Mr. Higgins tell you that he saw Patrick Brennan vote?—A. I don't know as he did say he saw him vote.

252. Q. Did he disclose to you the source of his information?—A. I don't know as he did.

253. Q. You stated last night that one man who worked on Kingsford's building voted the Democratic ticket at the eighth ward polls, did you not?—A. I endeavored to state it; I don't think I stated it.

254. Q. Who was that man?—A. John Scully.

255. Q. Do you know how John Scully voted last fall?—A. I do not; I don't know how any man voted last fall except myself.

256. Q. Then you don't know of any fraud or intimidation or other corrupt influences having been brought to bear to the detriment of Sebastian Duffy?—A. No, sir.

257. Q. Do you know, then, sir, why you have been subpoenaed?—A. I have not been subpoenaed in any shape nor manner.

258. Q. Then you came here voluntarily, did you not?—A. Certainly.

259. Q. What man now living, and who at the time was an employé at Kingsford's starch factory, came to you and expressed to you fear lest he might lose his place or employment should he vote the Democratic ticket?—A. No man ever expressed fear to me.

260. Q. You may name all the men living in your ward known to be



Democrats or Greenbackers, and who were in the employ of Mr. Kingsford on or about November 5 last.—A. John Cody, James Carl, Patrick Brennan, John Scully, Charles Dunn, John Ratigan. These are all the names I can give.

261. Q. Now, can you swear that any one of those men voted against Mr. Duffy?—A. I cannot.

262. Q. Have you heard any one say or charge in any manner that those men, or either of them except Brennan, voted the Republican ticket?—A. No.

263. Q. On last fall's election day did you hear any man charge that Democratic voters or Republican voters were required to vote the Republican ticket at that election by Thomson Kingsford?—A. I did not.

264. Q. Did you know, or have you since heard, of Thomson Kingsford saying one word or performing an act in aid or encouragement specially of the election of Judge Mason or the defeat of Sebastian Duffy?—A. No; I have not.

265. Q. What foreman, if any, in the employ of Thomson Kingsford did you last fall discover at the eighth ward polls?—A. I don't know of any. I saw William Bullis there; I understood he was foreman in the box factory.

266. Q. Can you swear that he was ever a foreman in Mr. Kingsford's employ?—A. I cannot.

267. Q. In what ward does he reside?—A. He resides in the eighth ward.

268. Q. Can you name a voter at the eighth ward polls who received his vote, or whom you believe to have been influenced in casting his vote, by Mr. Bullis?—A. I did not.

269. Q. You may name all the men in the employ of Thomson Kingsford whom you saw or have reason to believe worked at the eighth ward polls November 5, 1878, in favor of the Republican ticket, if any.—A. I saw William H. Sharp, Isaac Smith, and Willis E. Brunot.

270. Q. How long was Sharp there?—A. The most of the day.

271. Q. How long was Bruno there?—A. All day and evening.

272. Q. How long was Smith there?—A. I saw him at different times through the day.

273. Q. Was Mr. Bruno acting in that ward as an inspector of election?—A. No, sir.

274. Q. Was there any inspector of election in that ward, or other officer at the polls, who you knew to be in the employ of Mr. Kingsford?—A. No.

275. Q. Have you known of an employé of the starch factory company acting as an inspector of election in your ward during the last ten years?—A. No.

276. Q. And have you been in the habit of attending the polls and there remaining and working in the interest of the Democratic ticket on election day with great regularity during the last twenty years?—A. No.

277. Q. Have you within the last ten years?—A. I have.

278. Q. And did you apply your best energy to the advancement of the Democratic ticket?—A. No.

279. Q. At what time, if any, have you been flagging in your energy?—A. I have never taken any great interest at the polls.

280. Q. Have you, at any time, ever received any compensation for your services at the polls?—A. No, sir.

281. Q. State the persons who worked at your polls for the interest of the Democratic ticket.—A. D. Judson, John B. Higgins, Michael Quain, James R. O'Gorman, John Nasy, nearly all day; Patrick Grace, John

Coleman, William Cody a short time. I saw Baker there part of the day.

282. Q. Name those that worked for the Greenback ticket.—A. George Shaver, John Newton, Thomas Devine, for some portions of it.

283. Q. Name those who worked on the part of the Republicans.—A. Charles North, Thaddens Wilbor, William St. Ding; I think his son was there, and others.

284. Q. Which had the strongest working force on the ground, Duffy or Mason?—A. I don't know.

285. Q. Do you say there were Democrats there who refused to vote the Democratic ticket?

(Objected to as part of contestee's reply. Overruled)

A. I won't say that.

286. Q. Can you name a man now living who you know or have reason to believe has, within the past five years, lost his situation at Kingsford's starch factory by reason of either working or voting against the Republican ticket?—A. I can't.

287. Q. Can you name one within ten years?—A. I can only from common report.

288. Q. Can you name any such person from the eighth ward?—A. I cannot.

289. Q. You have testified, have you not, that by common report some employé of the starch factory has been stationed at the polls to examine the votes of the employés of the starch factory, and if such vote was not satisfactory to such party the vote examined was taken from him and another supplied.

(Objected to as improper, and such testimony already in, and the object is delay. The objection sustained by Van Auken. Case against.)

A. I did so.

290. Q. Have you ever personally observed any such practice?—A. I did not.

291. Q. With whom did you first converse on the subject of being a witness in this case?—A. No one.

292. Q. How did you come to be a witness in this proceeding?

(Objected to as immaterial. Notaries disagree.)

A. A young man by the name of James Carpenter told me day before yesterday Baker wanted to see me at the court-house. I did not come that afternoon, but that evening met Mr. Baker, and said, "Baker, what do you want to see me for"; says, "What is your name." I said my name is Grace. Says, "I don't want to see you; Mr. Tiffany may want to see you; come up to the court-house to-morrow a. m." I called at the court-house about half past nine or ten. Mr. Tiffany was here. I never talked with him or any other person on this subject.

293. Q. Have you talked with Baker or Tiffany or any other person on the subject?—A. No.

294. Q. Have you talked with Clark Cooley?—A. I have.

295. Q. Have you talked with Mr. Beckwith on the subject of this contest?—A. I have.

296. Q. How long ago?—A. A week or two ago.

297. Q. What is your present employment?—A. I am a ship-carpenter and calker.

298. Q. Have you ever been employed in the starch factory?—A. I have not.

299. Q. Have you ever asked for work in the starch factory?—A. I have.

300. Q. Were you not afraid when you asked for such employment

that you would be deprived of your political freedom of action?—A. No, sir.

301. Q. Have you ever been employed about the canal collector's office?—A. No.

Redirect:

302. Q. Was it not a fact that Bruno was a marshal, and acting about the polls?—A. He was.

303. Q. Was it not a fact that he was a very radical Republican?—A. A very stiff party man.

304. Q. From what you have learned upon the public street and general reports—that, and from what you have seen of their conduct—of men in his employ acting as bosses, do you or do you not think that their acts and conduct at the polls had a decided effect upon the men in his employ? (Objection; overruled by Notary Van Auker, and notaries disagree.)

A. I do think it had.

305. Q. To your best knowledge and belief, based upon what you have seen, was or was there not, and has there not been, a wide-spread intimidation among the employes of Thomson Kingsford other than those employed in the character of bosses as bosses?

(Objected to as before, and same ruling.)

A. Yes.

306. Q. From what you have observed, and from what you have learned from the employes of Thomson Kingsford, of the system adopted and employed towards the employes of the starch factory, has it or has it not caused a good many to vote the Republican ticket who would not have done so, or staid at home?

(Objected as before, and same ruling.)

A. I think it has.

307. Q. From what you have seen, heard, and know of the starch factory system of voting their employes, was or was not, in your judgment, the last election a fair one, so far as it applies to Mr. Kingsford and his bosses?

(Objected to as before; and further, it assumes the existence of a system of voting the employes of the starch factory not shown or admitted; and witness has not shown himself competent to speak upon the question.)

A. From what I have seen and know of the system, I think it is not fair.

Contestee recross:

308. Q. In answer to question 304, is that answer not based rather upon what you have heard than what you have seen?—A. It is not more upon the one than the other.

309. Q. Do you wish to be understood, then, that your answer to the question 304 relates (rather) as much to what you have seen as to what you have heard?—A. I don't know as one more than the other.

310. Q. Have you seen any improper interference by the bosses of the starch factory with the voters employed there at the polls in this city?—A. I have.

311. Q. By what boss?—A. B. F. Bailey.

312. Q. When?—A. Inside of ten years.

313. Q. At what poll in this city?—A. At the old fourth-ward poll.

314. Q. With what employes?—A. Julick Stanton and Thomas Scully.

315. Q. What other boss have you seen interfering with starch-factory voters?—A. Ralph Watson.

316. Q. When and where?—A. At different times within the last eight years.

317. Q. Can you name the time more particularly than you have?—  
A. I can't.

318. Q. Name the place or places where you saw such interference.—  
A. Fourth-ward poll.

319. Q. Name any other starch-factory boss you have seen so interfere with the voters.—A. I don't think I can name any other.

320. Q. Did not the act of Mr. Bailey to which you refer occur more than ten years ago?—A. I think not.

321. Q. How long since the new ward was established?—A. I think nine years ago.

322. Q. And this occurrence was before that time?—A. It was.

323. Q. Have you stated already in this examination the act of Mr. Bailey upon which you are now questioned?—A. I did.

324. Q. Have you stated in this examination the act or acts of Ralph Watson?—A. I have without giving the name.

325. Q. Who were the employés with whom he so interfered?—A. Michael Sheridan, Hugh Quinn, Michael Gill. These are all he can remember now.

326. Q. When did those occur?—A. Inside of eight years.

327. Q. Can you name any person who to your own knowledge has been coerced or intimidated to vote contrary to his own wishes by Thomson Kingsford?—A. I have no knowledge of Thomson Kingsford.

328. Q. Have you not already testified, in your answer to 307—I ask if you have not already previously testified, in substance, that you saw nothing unfair or fraudulent in the election of last fall?—A. I have.

329. Q. Did you see any intimidation practiced last fall on any one?—  
A. I did not.

RICHARD GRACE.

Subscribed and sworn to February 20, 1879.

D. J. VAN AUKEN,  
*Notary.*

C. O. CASE,  
*Associate Notary Public.*

DENNEY SWENEY sworn on part of contestant.

330. Question. What is your age, occupation, and place of residence?—  
Answer. Age, fifty-one; occupation, laborer; residence, fifth ward—  
Niagara street, No. 69.

Adjourned to 8.20 p. m.

331. Q. How long have you lived in the ward?—A. In the old third ward and the fifth ward about thirty years.

332. Q. How long have you resided on the place where you now reside?—A. About eight years.

333. Q. Did you ever work in the Oswego starch factory; and, if so, when?—A. I have worked there.

334. Q. When did you commence work there?—A. When they first commenced, thirty years ago.

335. Q. When did you work there last?—A. About sixteen years ago.

336. Q. Did you work there all the time up to the time you quit?—  
A. I did.

337. Q. What was the reason of your quitting then?—A. I was discharged.

338. Q. Who discharged you?—A. The Kingsfords, father and son, and the present Thomson Kingsford. The son is the present Thomson Kingsford.

339. Q. Was there any ground alleged by the Kingsfords for your discharge?

(Objected to as incompetent and immaterial, and a matter too remote in point of time.)

A. The grounds were, as stated by them, it was the governor's election of Seymour and Wadsworth. Was in the factory working, and they sent down for me. Went up to the office. The old gentleman Kingsford was there, and the present Thomson Kingsford was there. Went back into his private office. I saw a table there, and pen, ink, and paper. Mr. Kingsford, the old man, asked me what I was going to vote that day. I told him I did not know exactly. He said, "You do know very well." He said he wanted me to vote for Wadsworth, or he would not keep me in the factory. I told him I would not. He said he would do as they did on the Central Railroad; he said they kept none there but Democrats, and he would keep no one in the factory but a Republican. I said, "Then you don't want me to go down to the factory any more?" Thomson said, "No, sir; we don't want you any more in the factory." The old man said, yes, go back down to your work until he sent for me. I worked about two weeks. Thomson came along to me one afternoon; he told me he had got through with me. I asked on what grounds. I said I supposed I had suited him, and what fault he had with me. He said he got a man in my place suited him better than me. I told him I could not see what fault he had with me unless one, and he asked me what one that was. I said I suppose it was because I did not vote the Republican ticket for him. He says, "That's it, that's it," three times, and I never worked for him since.

341. Q. Have a large part of the employes of the starch factory since that time resided in the same ward where you have resided since that time?—A. They have. I have paid no attention to starch-factory votes since.

342. Q. Have you been intimate with them?—A. I know some of them, and many I don't.

343. Q. Do you know whether there has been any general report in your ward that the starch-factory employes were compelled to vote the Republican ticket in order to retain their places in the starch factory?

(Objected to as immaterial and incompetent and hearsay, also upon the ground that the question should be confined to the affairs existing at the starch factory last fall. Notaries disagree.)

A. That is common report.

344. Q. Did such common report continue down to the last fall election?

(Objection as before. Same ruling.)

A. I understand it did.

345. Q. Did such common report and talk extend to the starch-factory employes throughout the city?

(Same objection and ruling.)

A. I can't tell only in the section where I live.

346. Q. By the neighborhood where I live extend to the fifth and seventh ward?—A. I don't know of this report extending to the seventh ward.

347. Q. How far do you live from the seventh ward?—A. One block.

348. Q. Does this public report extend to the seventh ward?—A. I don't know.

349. Q. Is this report, the general speech of people, applied to all the persons in the employ of the Starch Factory Company, or Thomson Kingsford?

(Objection as before.)

A. I should call it so.

350. Q. Do you know of any other persons who have been discharged from the starch factory on the alleged ground that they did not vote the Republican ticket or voted the Democratic ticket?

(Objection same as before.)

A. I do.

351. Q. Name some of them.

(Objection as before.)

A. Michael Curran, Jeremiah Regan, Lewis Conaty, and many more whose names I don't remember.

352. Q. Do you know of any persons in your ward, employes of the starch factory, who are Democrats and who are detained from voting the Democratic ticket for fear of being discharged?—A. I do know of a good many such.

353. Q. You say you were there a long time and knew the system; will you state what that system is?

(Objection as before, and assumes facts that do not exist, and is not admitted.)

A. They are bound to vote as they want them to.

354. Q. Do you know anything in regard to the starch factory system of getting their employes to the polls on election day and watching them there until they vote so as to prevent them getting and voting the Democratic ticket? And, if so, tell us how.

(Objection as above.)

A. The boss is sent down to the polls on election morning to see who votes the Democratic ticket and who votes Republican.

355. Q. Is it generally understood that if any of them should vote the Democratic ticket that fact would be reported to the office of Thomson Kingsford?—A. That is my opinion.

356. Q. Was you at the election last fall?—A. I was not.

357. Q. In years past, has there been more than one starch factory boss at the polls generally or usually?—A. Henry Kingsford used to be there and sometimes Sayers.

358. Q. Are there any of the starch factory bosses now living in your ward?—A. Two, Edward Sayres and James Sharp.

359. Q. Is there not quite a large number of employes in the starch factory of Thomson Kingsford residing in your ward?—A. There are quite a number, to the best of my opinion.

360. Q. And are they mostly Irishmen?—A. There are a good many Irishmen, all mixed up, not.

361. Q. Have you not been in the habit, since your discharge from the factory, of attending the polls on election day to vote?—A. I go to vote, but I don't stay around the polls.

362. Q. Is it not a fact since your discharge and up to the present time that when you went to the poll you observed the same system that existed while you were at the factory?

(Objected to as leading.)

A. I call it so.

363. Q. Would or would not these bosses be standing in such a position at the polls that they could keep close watch of the employes as they approached the polls and see from whom they received their ticket and how they voted?

(Objected to, the counsel framing the sort of answer which he desires the witness to make.)

A. Yes.

364. Q. Do you or do you not say that this system has been observed by you from year to year when you would go to the polls to vote since the death of Henry Kingsford ?

(Objected to as leading.)

A. I have remarked it to be so when I were there to vote.

365. Q. From what you learn and seen in their employ, and from the common speech of the employés from year to year since your discharge to the present time, is it or is it not a fact that the employés are given to understand in some way by the bosses, and by the act and conduct of the bosses on election day, that they are required to vote the Republican ticket or they will be discharged ?

(Objected to.)

A. I think that is so.

366. Q. From what you have seen and what you know and what you have learned and from what you know of the politics of some of the employés of the starch-factory is or is it not your opinion that more or less of them would vote the Democratic ticket were they not afraid of losing their situations ?

(Objection as before, and incompetent and not qualified to vote.)

A. I knew that long days ago.

367. Q. Is it or is it not your opinion that a large majority of them would vote the Democratic ticket, and would have voted it last fall, if they had not been afraid of losing their situations ?

(Objection as before.)

A. That is my opinion. If left to their free will, a majority of them would be Democrats.

368. Q. To the best of your knowledge and belief, has there not been a wide-spread intimidation of the voters in the starch-factory or the employés of Thomas Kingsford who wished for several years last past to vote the Democratic ticket ?—A. There are lots of them, in my opinion.

Adjourned to 9 a. m., February 21, 1879.

369. Q. Are you acquainted with or do you know the names of any of the bosses in the starch-factory ?—A. I do.

370. Q. Give their names.—A. Edward Sayres, James Sharp. I am not acquainted with any more.

371. Q. Do you know what ward they live in ?—A. Fifth ward.

Cross-examination :

372. Q. What is your present occupation ?—A. Making starch.

373. Q. Where ?—A. On the east side of the river.

374. Q. In the factory of Mr. Ausborn ?—A. Not in Kingsford's, but in Austin's.

375. Q. How long have you been at work there at Austin's ?—A. Two months or over.

376. Q. Between the time of your discharge from the Oswego starch-factory and your employment in Mr. Austin's factory have you been engaged in a starch-factory ?—A. No.

377. Q. During that time or interval what has been your business ?—A. Day laborer.

378. Q. At what sort of labor and for whom ?—A. For different ones.

379. Q. Name some of them.—A. In Continental elevator, shoveling grain out of vessels.

380. Q. For how long ?—A. One summer or two.

381. Q. When was that ?—A. I did not set it down.

382. Q. About when?—A. Nine or ten years ago.
383. Q. Who were the owners of that elevator?—A. I did not inquire.
384. Q. So you don't know who your employers were?—A. Francis Bough.
385. Q. Previous to that what had you been doing?—A. Worked in another elevator.
386. Q. Since you worked for Bough what have you been doing?—A. I have railroaded it.
387. Q. How long did you railroad it?—A. I did not set it down. As long as suited me.
388. Q. About how long?—A. I can't say.
389. Q. On what road?—A. On Delaware and Lackawanna.
390. Q. What were you doing?—A. Anything I was told to do on repairs.
391. Q. What sort of repairs?—A. Laying ties and iron.
392. Q. Can't you tell how many years ago you were engaged at that?—A. I can't.
393. Q. Was it more than one year?—A. I should think so.
394. Q. Was it more than two years?—A. It probably might.
395. Q. Is not your recollection good about it?—A. I did not set it down.
396. Q. Is your recollection good only about the events you do set down?—A. I can remember without setting down.
397. Q. Do you, or have you kept any memorandum at all of your employment?—A. Yes.
398. Q. In writing?—A. No.
399. Q. Do you write?—A. Not much.
400. Q. Do you write at all?—A. Very little.
401. Q. Can you write your own name?—A. Yes.
402. Q. And that is about all?—A. Yes.
403. Q. When did you begin working for the railroad company?—A. good while ago.
404. Q. I want you to name the year you commenced work for the railroad, to your very best recollection.  
(Evidence objected to by contestant's counsel.)  
A. About seven years ago, probably.
405. Q. And how many years ago did you stop?—A. I quit and went back.
406. Q. When did your last employment for the road cease?—A. I disremember.
407. Q. About when did you leave?—A. Maybe three years, maybe more.
408. Q. Did you not have some trouble or difficulty with the bosses on the railroad while you were at work there?—A. No, sir.
409. Q. What made you leave that employment?—A. For my own benefit.
410. Q. To do what other work?—A. For more wages.
411. Q. To do what other work? I repeat the question.—A. To drive team.
412. Q. For whom?—A. (A. Hannegan) Edward Hendrick.
413. Q. Do you know your own age?—A. I do.
414. Q. When was your birthday?—A. April 4.
415. Q. Where were you born?—A. In Ireland.
416. Q. How old were you when you came to the United States?—A. I was nineteen.



417. Q. Was that your age?—A. Yes.

418. Q. How old were you when you began to vote?—A. Twenty-seven or less.

419. Q. Don't you know what your age was when you began to vote?—A. I did not keep track of it.

420. Q. When did you take out naturalization papers, if ever?—A. I can't remember the year. I can furnish my papers, if necessary.

421. Q. About how many years have you voted?—A. Since I got my papers; twenty-three years.

422. Q. What ticket did you then vote, and on the occasion of your first voting?—A. I voted the Democratic ticket.

423. Q. Can you name any candidate for whom you voted the first time?—A. I can't; I disremember.

424. Q. Was the election at which you first voted for President, governor, or what?—A. I don't know now.

425. Q. Who was the first Presidential candidate you voted for?—A. Mr. Buchanan.

426. Q. What year was that?—A. I don't know.

427. Q. About what year?—A. I don't know; I did not keep track of it.

428. Q. Who was the next Presidential candidate for whom you voted?—A. I can't tell you now.

429. Q. Was it the Democratic candidate?—A. I can't tell.

430. Q. Who was the third Presidential candidate you voted for?—A. I don't know his name.

431. Q. Was it the Democratic candidate?—A. I should not say. I mean by that I can't tell.

432. Q. Do you know whether Abraham Lincoln was the Democratic or Republican nominee for the Presidency?—A. I believe he was the Republican candidate.

433. Q. Did you support him by your vote?—A. I did vote for him.

434. Q. More than once?—A. I think I did not vote for him more than once.

435. Q. Do you remember Stephen A. Douglas being a candidate for the Presidency?—A. I do.

436. Q. Did you vote against Douglas?—A. I did; I voted for Lincoln.

437. Q. What is the name of the first candidate for governor you voted for?—A. I did not keep track of it.

438. Q. Was it a Democrat or Republican?—A. I can't say.

439. Q. Have you paid much attention to politics?—A. I pay no attention to politics.

440. Q. Have you ever been a strict party man?—A. I vote for the best man for the last sixteen years.

441. Q. And that without reference to the political party he belongs to?—A. I do.

442. Q. Have you voted for any Republican candidate or candidates for the last sixteen years?—A. No, sir.

443. Q. In what year were Seymour and Wadsworth opposing candidates for the office of governor?—A. To the best of my knowledge, sixteen years last fall.

444. Q. Who were the opposing candidates for governor two years previous thereto?—A. I did not keep track of it.

445. Q. Do you know for whom you voted on that occasion for governor, if any one?—A. I can't tell.

446. Q. Do you remember the fact that Thomson Kingsford being in

Europe same time ?—A. It was reported he had gone to Europe at one time.

447. Q. And he was away about how long ?—A. I don't know.

448. Q. In what year or years was he so absent ?—A. I don't know.

449. Q. Will you swear that he was not so absent during the fall of 1862 ?—A. I don't know what year he went.

450. Q. Will you swear that he was at any time present in the city of Oswego during the summer and fall of 1862 ?—A. I don't know.

451. Q. Will you swear that Thomson Kingsford was present in the city of Oswego at any time during the summer and fall of the year in which Seymour and Wadsworth were candidates for governor in this State as opposing candidates ?

(Objected to as immaterial.)

A. He was in his office on election day.

452. Q. What particular work were you engaged in at the factory at or about the time of your discharge ?—A. I was all over the factory, front and bottom, to see if anything was wrong.

453. Q. Were you at work in the swill department of the starch factory ?—A. There was no such department there.

454. Q. Were you engaged in that department ?—A. No, sir.

455. Q. Can't you state what your employment was there more particularly than you have ?—A. My place was all over the factory to see if anything was wrong or out of the way.

456. Q. Had your relations with the Kingsfords, father and son, prior to the occasion of your discharge from the factory, been always pleasant and mutually satisfactory, or otherwise ?—A. I never had no difficulty with them up to the time of my discharge.

457. Q. Had there been any disagreement between you and them upon any ground or for any reason whatever prior to this discharge ?—A. Not the first word.

458. Q. Prior to that time had they ever furnished you with any ground of offense or complaint on any subject whatever ?—A. No.

459. Q. Prior to the time of the election of Seymour, of which you speak, had you ever been coerced or intimidated by Mr. Thomas and Thomson Kingsford, or either of them, into voting for any candidate against your personal preference or political conviction of his fitness for office ?—A. No, sir.

460. Q. Have you ever been spoken to by either of those gentlemen on the subject of voting except the single occasion you have spoken of ?—A. Not by either of them.

461. Q. Do you drink spirituous liquors ?—A. All kinds down to lager beer.

462. Q. How long have you indulged in that habit ?—A. I can't say.

463. Q. Ever since you have been in this country ?—A. No.

464. Q. Did you not drink any before you came to this country ?—A. I had tasted of it, but not to call it drinking.

465. Q. You have been a drinking man, more or less, ever since you have been in this country ?—A. I am not a temperance man or a drunkard.

466. Q. Have you ever been drunk ?—A. Never; I have felt my oats and never laid in the ditch, and able to paddle my own canoe.

467. Q. Have you ever been arrested ?—A. I never have been arrested for drunkenness.

468. Q. Have never been arrested at all ?—A. Yes.

469. How many times ?—A. Once only.

470. Q. What was you arrested for ?—A. I got into words with a

lippy auctioneer who was selling horse-blankets, and I said his horse-blankets was not worth a dam, and he bought one of him before, and he had me arrested.

471. Q. Was not the charge for a public disturbance of the peace?—A. I don't know.

472. Q. How long ago was that?—A. Eight or ten years ago.

473. Q. Had you not been drinking then?—A. Yes.

474. Q. After you drank so you feel your oats pretty well, as you describe it, you are a little inclined to be boisterous, are you not?—A. No; I never quarreled with a man on the street in my life.

475. Q. Were you not engaged while at work at the starch factory in promoting strikes and fomenting various disturbances among the employees of the factory?—A. No, sir; that's Thomson Kingsford get up.

476. Q. Did you never, during your employment, feel dissatisfied as to the amount of wages you and the other employees at the factory were receiving?—A. No.

Adjourned to 2 p. m., sharp.

477. Q. It was well known to you, was it not, that both Kingsfords, father and son, were strong temperance men and were opposed to their employees drinking?—A. I never knew they were temperance men; I think they were opposed to their men drinking.

478. Q. And was not it, the drinking of the employees, made the ground on several occasions for their discharge from employment?—A. I don't believe it.

479. Q. Had you not been drinking some a few years previous to your discharge?—A. I had been drinking some, but it had nothing to do with my discharge.

480. Q. On the occasion of your conversation with the Kingsfords at the factory office, of which you have testified, who were present?—A. There were three.

481. Q. Was there more than three?—A. No.

482. Q. Who was it that requested you to come to the office on that occasion?—A. It was a watchman.

483. Q. What was his name?—A. I don't remember.

484. Q. Where were you when you received the word to come to the office?—A. I was in the factory.

485. Q. In what part of it?—A. Down at the cistern where the men were working.

486. Q. Do you remember the names of any persons who were then working at that time?—A. Yes; Mike Curran, James Roach, Dan Shannon, Tim Deany, Tom Hayes.

487. Q. Are those men whom you have named or any of them now living in this city?—A. Some are and some are dead.

488. Q. Where is Michael Curran?—A. Working in the starch factory and lives on Talman street.

489. Q. Is he a respectable man?—A. I suppose so.

490. Q. Do you know anything against his character?—A. I don't.

491. Q. Where is Shannon?—A. I don't know where he is; he was in the city three weeks ago.

492. Q. Was the occasion at the office of which I am asking you on election day?—A. It was.

493. Q. At what time of day?—A. I had no time-piece and no clock to look at.

494. Q. About what time of day?—A. In the forenoon.

495. Q. Had you then voted?—A. No.

496. Q. And did you vote on that day?—A. Yes, sir.

497. Q. For Horatio Seymour?—A. Yes, sir.

498. Q. And was General Wadsworth on that day the Republican candidate for the governorship?—A. He was.

499. Q. And did either of the Kingsfords request you to vote for Wadsworth that day?—A. The old man said he wanted me to vote the Republican ticket.

500. Q. Did he ask you in terms to vote for Wadsworth?—A. He asked me I should vote the Republican ticket.

501. Q. Who were the three present at the office?—A. The old man Kingsford, Thomson Kingsford, and myself.

502. Q. And Thomson Kingsford was present on that election day?—A. I told you so.

503. Q. Who first spoke when you went into the office, and what did he say?—A. The old gentleman asked me how I was going to vote.

504. Q. What was next said?—A. I told him I did not know.

505. Q. Did you know?—A. I suppose I did.

506. Q. Why did you tell him you didn't know when you did?—A. That was my privilege.

507. Q. Was it your privilege to falsify?

(Objected to as impertinent not only to the witness but the issue.)

A. Yes; it's my privilege to tell a man if I am going to Fulton to tell I am going to Syracuse, if I am a mind to.

508. Q. What did the old man say after you told him I did not?—A. He said I did.

509. Q. What was next said, and by whom?—A. The old man said he would do as they did on the Central Railroad, they kept none there but Democrats, and he would keep none in his factory but Republicans.

510. Q. Is that all he said?—A. It was, before I spoke.

511. Q. What was next said, and by whom?—A. I said if that was the case he did not want me in the factory any more.

512. Q. What was next said?—A. Thomson said, "No, sir; we don't want you, then, any more."

513. Q. What was next said?—A. The old man said, "Yes; until I send for you again, go to your work."

514. Q. And have you on this cross-examination told all that occurred in the office, and in the order of its occurrence?—A. I have answered all the questions you have put to me.

515. Q. If you have omitted to state anything on this cross-examination that was said or happened in the office on that occasion please state it.—A. That is all I recollect.

516. Q. Did the old gentleman say on that occasion that he would keep none in the factory but good Republicans?—A. I did not say "good."

517. Did he say, then, in substance, that he would keep no one in the factory but a Republican?—A. Yes.

518. Q. Were you a Democrat then?—A. I was.

519. Q. Were there other Democrats, then, there in the employ of the factory?—A. I think there was.

520. Q. And were any of them discharged that fall on political grounds or on the occasion of that election?—A. I expect so.

521. Q. Name those that were discharged on that occasion.—A. Mr. Simon, Michael Curran, Jerry Ragan, Lewis Canty.

522. Q. In what month were you discharged?—A. I don't remember.

523. Q. What time of day did you vote?—A. In the forenoon.

524. Q. How long after you left the office with your talk with the Kingsfords?—A. I can't tell how long.

525. Q. Did you leave the factory for the polls with or without permission?—A. I had no need to ask permission to go.

526. Q. Did others go with you?—A. Yes.

527. Q. Was any time fixed on that day for the men in the factory to go and vote?—A. No; not that I know of.

528. Q. The voters, then, went when they pleased?—A. Yes.

529. Q. What factory boss did you find at the polls when you got there?—A. Henry Kingsford.

530. Q. Any other boss there?—A. No other.

531. Q. And Henry Kingsford is dead?—A. Yes.

532. Q. Was he personally friendly to you?—A. Did not speak to me at all on occasion of voting.

533. Q. Did anything pass between him and you at the polls?—A. No, sir.

534. Q. And you voted and went away without interference?—A. I did.

535. Q. And other voters did the same?—A. They did.

536. Q. Did any these—was anything said to you on the subject of the election by either of the Kingsfords or by any factory boss between the time of your conference at the office and the time of your discharge?—A. No.

537. Q. Did you tell either of the Kingsfords at the office on election day, or at any other place, how you should vote?—A. I might have told Henry.

538. Q. Did you expect to be discharged if you voted the Democratic ticket on election day sixteen years ago?—A. Yes.

539. Q. Who knew how you voted?—A. I can't tell who knew it or who did not.

540. Q. Did you tell any one how you voted on that occasion?—A. I don't remember.

541. Q. That you did or did not?—A. I don't remember whether I did or not.

542. Q. Where were you when Thomson Kingsford discharged you?—A. In the starch factory.

543. Q. In what part?—A. Down on the river.

544. Q. Was any one present there except Mr. Kingsford and yourself?—A. We were alone.

545. Q. Who spoke first?—A. Thomson.

(The contestant protests against the repetition of the cross-examination for the purpose of consuming the time of the contestant.

The contestee insists, in answer to such protest, that he is not repeating the cross-examination.)

546. Q. What did Thomson Kingsford say?—A. He said he got through with me.

547. Q. What more did he say or you say?—A. I asked him what that was for; he said he got a man suited him better than me. I told him I did not know what that was for, unless one thing. He asked me what that was. I told him it should be not voting the Republican ticket for him. He said that is it exactly—exactly.

548. Q. What did you do then?—A. I went down and washed myself and went home.

549. Q. Now, you have related that occurrence just as it happened?—A. Yes; that is my calculation.

550. Q. Have you ever related this occurrence before you related it in this contest?—A. I presume I have to a good many.

551. Q. Have you related it to any one recently?—A. I might.

552. Q. Have you; and to whom?—A. I can't tell.

553. Q. Now, don't you know you have spoke to several since this contest commenced about this occurrence?—A. I told a man a few days ago up where I worked.

554. Q. Who was that?—A. His name is Barlow.

555. Q. Have you talked to any one beside (except) Barlow?—A. I can't say.

556. Q. Is that the only answer you can give?—A. As near as I can recollect.

557. Q. Have you spoken to Mr. Tiffany on this subject except on this examination?—A. Not at all.

558. Q. Have you been talking with Mr. Baker, or Mr. Robinson, contestant's messenger?—A. I have not with Mr. Baker; I did with Robinson.

559. Q. Have you talked with Mr. Robinson, contestant's messenger?—A. I have.

560. Q. Have you attended the polls regularly to vote since you were discharged?—A. I have when I have been at home.

561. Q. Have you been a worker at the polls?—A. I have not. I am no politician.

562. Q. State your usual practice of voting.—A. I vote and go away.

563. Q. How long do you usually stay at the polls when you go there?—A. Ten or fifteen minutes.

564. Q. Have you made the matter of your neighbors' politics or political action a subject of special inquiry or interest?—A. No.

565. Q. You have never been a candidate for any office?—A. I would not look for pound-master.

566. Q. Have your neighbors ever asked you to be a candidate for any office?—A. No.

567. Q. In what ward of the city do the greatest number of starch factory employees reside, according to your best knowledge and belief?—A. There are a good pile of them in the fifth ward.

568. Q. Do you think that more reside in the fifth than any other ward?—A. I can't tell you.

569. Q. Can you name any ward in the city in which as many employees of the factory reside as in the fifth?—A. I don't pay any attention what ward they live in.

570. Q. Can you state, then, what the probable effect of the starch factory vote is upon the politics of the city.

(Objected to as improper; witness is not shown a politician.)

A. I can't tell.

571. Q. Can you tell whether the fifth ward is a reliable Democratic ward?—A. I can't tell.

572. Q. Then do you know the politics of your ward?—A. I don't attend to politics.

573. Q. You know nothing about the effect of the elections in this city of the intimidation or coercion of voters on the part of any person or persons whatsoever?—A. I don't know.

574. Q. You have given that subject no attention, have you?—A. No, sir.

575. Q. You do not know whether the ward you live in is a Democratic ward or Republican?—A. I can't tell.

576. Q. And you can't say, Mr. Sweeny, what ward in the city, if any, is a reliable Republican or Democratic ward?—A. I can't.

577. Q. And you can't tell whether this city is usually counted Democratic or Republican?—A. I can't say.

578. Q. Have you heard any voters say (or do you) that he has within the last five years say he has been coerced into voting a ticket or for a candidate against his personal wishes?—A. I have not.

579. Q. And you do not know of such an instance personally, do you?—A. I have not.

580. Q. When did Thomas Kingsford die?—A. Eight or ten years ago.

581. Q. And you have not heard much talk of intimidation by the starch factory management in recent years?—A. I have paid no attention to it, and I have had enough of it personally.

582. Q. And you know, do you not, that it has both Democratic and Republican employees.

(Objected to as assuming a fact to exist that has not been proven.)

A. There are plenty of Democrats there, if they were allowed to vote; there are also Republicans.

583. Q. All the men you have spoken of as having been discharged upon political grounds from the factory were discharged when you were, or about that time?—A. Yes; I was the first.

584. Q. Can you name any person that has been discharged on political grounds within the last ten years?—A. I don't know of any.

585. Q. How long since you have seen a starch factory boss at the polls—at any polling place?—A. The last time I voted myself.

586. Q. When was that, and who was it?—A. One year ago this spring; his name was James Sharp.

587. Q. Did you notice what he was doing?—A. He was standing at the gate post, with tickets in his hand.

588. Q. That was in the fifth ward, was it?—A. Yes.

589. Q. And did you see others standing with tickets in their hands?—A. Yes; I did.

590. Q. And was Sharp acting differently from others who had tickets in their hands?—A. No.

591. Q. And you have given us on this cross-examination all the knowledge that you personally have of the manner of conducting elections in this city?—A. Yes.

592. Q. Then you don't know how widespread intimidation, if any, has been practiced in this city by any person or persons?—A. I don't know.

593. Q. You don't know much of intimidation or coercion?—A. I don't.

Redirect:

594. Q. Is it not a fact at the present time, more or less of the men in the starch factory, bosses and all, indulge in drinking, to some extent?—A. I think so.

595. Q. And which you have testified to in this case as to the intimidation of voters in the starch factory, is based upon what occurred to you personally and what you have heard?

(Objected to by contestee's counsel upon the same matters having been gone into before.)

A. That is so.

DENNIS SWEENEY.

Subscribed and sworn February 22, 1879.

D. J. VAN AUKEN,  
*Notary Public.*

C. O. CASE,  
*Associate Notary Public.*

*Deposition of Lyman James.*

LYMAN JAMES sworn.

596. Question. What is your age, residence, and occupation ?—Answer. My age is forty-four; residence, Hannibal; occupation, speculator in cans.

597. Q. Do you know Samuel Burchard, internal-revenue collector ?—A. I do.

598. Q. For how long ?—A. Ten years.

599. Q. Did you receive an introduction to Judge Mason prior to the last election, and by whom and when and under what circumstances ?—

A. By Mr. Burchard, at the Doolittle House; he called his name Judge Mason; a few days before election; I had worked for Burchard.

600. Q. Did you hold a conversation with Judge Mason about election and about his prospects ?—A. I did.

601. Q. And did he not express some uneasiness about the result of the coming election ?

(Objected to as leading and calling for the witness's opinion, and that the contestee is entitled to the conversation. Notaries disagree.)

A. I do not think he was.

602. Q. Was Mr. Burchard present ?—A. He was.

603. Q. Did he converse with Mason ?—A. I don't recollect.

604. Q. Was not the subject of your conversation mostly in reference to his election ?—A. A portion of it was.

605. Q. And in that conversation did not Judge Mason say to you he had already spent a considerable sum of money in the canvass, and he doubted then, from the political outlook, it would pay to spend any more, or words in substance—that, or use any language that led you to believe he had ?—A. I don't think he did.

606. Q. Can you swear that he did not so state ?—A. Not in my presence.

607. Q. Did you leave Mr. Burchard with Mr. Mason on that occasion ?—A. Burchard went as far as the door with me.

608. Q. To the best of your recollection, how long was this interview before election ?—A. About a week.

609. Q. And did not Mr. Burchard on that occasion solicit you to vote for Mason ?

(Objected to as immaterial.)

A. He spoke highly of Judge Mason, and said we ought to help him in our town.

610. Q. Was there not in fact an arrangement between you and Mr. Burchard on that occasion for another interview in a few days ?

(Same objection.)

A. I don't think there was.

611. Q. Did you not have an interview in company with another gentleman at Mr. Burchard's office on Thursday, Friday, Saturday, or Monday preceding the election ?

(Objection as before.)

A. I may have been in there in company with another gentleman from Hannibal.

612. Q. Was you not in his office on Saturday with this gentleman—the Saturday before election ?—A. I don't remember as I was. I may have been.

613. Q. Will you swear that you and Mr. Burchard had two or more interviews between the time you met Judge Mason and election, and what he, Burchard, could and would do ?



(Objection as before.)

A. I can't tell whether one, two, or three interviews about election.

614. Q. Was not Mr. D. J. Van Auken, jr., in company with you at those interviews at Burchard's?—A. I think he was in Burchard's office with me once.

615. Q. Did you not receive or see a letter that came from Samuel Burchard, addressed to you and D. J. Van Auken jointly or singly, in reference to the election of Judge Mason, and what he could or would do if they would meet him the Saturday or Monday before election?

(Objection as before.)

A. I don't remember of seeing such a letter.

616. Q. Will you swear that you did not see or show a letter to D. J. Van Auken, jr., in the sitting-room of the hotel of Mr. Dudley in Hannibal?

(Objection as before.)

A. I have no recollection of such a transaction.

617. Q. And did you not say since this investigation, and reading and commenting upon the testimony, that you could knock him higher than Gilderoy's kite?

(Objected to as before.)

A. No, sir.

618. Q. Did not Mr. Burchard write a letter to you and Van Auken that Mr. Mason had not sent him as much money as he expected, but to come down on Saturday and he would make it all right?—A. He did not, to my knowledge.

619. Q. Did you not receive from Mr. Samuel B. Burchard on the Monday, Saturday, or Friday—from Mr. Burchard—after talking with him about the election of Judge Mason the sum of \$5, slipping it into your hands and vest pocket, and remarking to you it was all right?

(Objected.)

A. I did not get \$5 of Mr. Burchard.

620. Q. Was there not an understanding between you that you were to receive each \$25 to use in the interest of Judge Mason?—A. I did not understand that there was.

621. Q. Did not Mr. Burchard promise to give you each \$25 before election, and pay Van Auken \$10 and you \$5, and then assigned as a reason, and promised to pay the balance after election?—A. He made me no promises of that kind.

622. Q. Don't you know that Mr. Burchard paid D. J. Van Auken, jr., \$10?

Adjourned to half past eight for supper.

A. No, I don't.

623. Q. Do you know or have you been informed, or have you learned or received any information, either directly or indirectly, or receiving letters, or heard them read, of any money being used or paid or any promises or reward from Samuel Burchard or any other person or persons in the interest of Judge Mason and the Republican ticket at the November election of 1878?—A. From my knowledge, I have not. I may have heard of such things, but can't tell when and where. I have not heard either directly or indirectly, or by receiving letters or hearing them read.

624. Q. Do you not mean to answer the above questions only in accordance with my recollection?—A. No.

625. Q. Have you not heard common talk in Hannibal on the corners and in Dudley's Hotel that money was used and being used in the interest of Judge Mason and the Republican ticket?

(Objected to.)

A. I should think I have heard of the use of money and since election.

626. Q. Can you tell the number of voters in the first election district of the town of Hannibal?—A. I cannot.

627. Q. Mr. Burchard and you are in social relations and have been for seven years past, have you not?

(Objected to.)

A. We are friendly as any man, and have done business with him.

628. Q. You have been in his employ, have you not?—A. I have; I was two years ago.

629. Q. You have also been on social relations with D. J. Van Auken, sr., and D. J. Van Auken, jr., some time prior to the election?—A. I have.

630. Q. And was with both of them almost daily for a week or ten days prior to election?—A. I saw them frequently and almost daily.

631. Q. And you have been in the habit of taking an active part in politics?—A. Not much of a politician.

632. Q. Mr. D. J. Van Auken, sr., is an attorney and counselor at law in Hannibal?—A. He is.

633. Q. And he is a gentleman in the community of standing and honor?

(Objected to.)

A. Sustained.

634. Q. Does or does not Mr. Van Auken, in your estimation, in the community where you reside, stand above reproach in the community?

(Objected to as improper and immaterial, and that Mr. Van Auken's character or reputation is not involved. Notaries disagree.)

A. In my opinion Mr. Van Auken stands as well as any man in our town.

#### Cross-examination:

635. Q. Had you received any money, or been promised any money for political services or outlay on behalf of Judge Mason, you would have remembered it?—A. Yes.

LYMAN JAMES.

Adjourned to February 22, 1879, at 8½ a. m.

Subscribed and sworn April 21, 1879.

D. J. VAN AUKEN,  
*Notary Public.*

C. O. CASE,  
*Associate Notary Public.*

February 22, 1879, at 9 a. m., examination resumed.

MICHAEL GILL sworn.

636. Question. State your name, age, and place of residence.—Answer. Age, 26; residence, third ward.

637. Q. What is your occupation?—A. Laborer.

638. Q. How long have you resided in the third ward?—A. About twenty-six years.

639. Q. Have you been in the habit of being about and attending the polls on election day for several years past?—A. I have.

640. Q. And have you noticed from year to year persons reputed to be bosses from the Oswego Starch Factory in the employ of Thomson Kingsford at the polls?

(Objected to as leading and improper and immaterial.)

A. I have.

641. Q. And were you in about the polls at the last election on November 5, 1878?—A. I was.

642. Q. State the names of the bosses of the starch factory you have seen at the third ward polls for the past year and former years.—A. I saw William Rassmusson and James Southwick; there are more there, but I don't know them.

643. Q. And did you see Rassmusson at the polls at the last election?—A. I did.

644. Q. And have you also attended the election as inspector and clerk of the board?—A. I have.

645. Q. In what capacity did you attend the last fall election?—A. As clerk.

646. Q. And is or is there not persons employed in the starch factory residing and voting in that ward?—A. There are.

647. Q. About what number?—A. Probably twenty-five.

648. Q. And have you had the means of observing and learning how they voted last fall (the starch factory), and have uniformly voted since employed in the starch factory; and, if yea, state whether Republican, and if nay, state.

(Objection as before.)

A. I have seen them previous to last fall's election, and they voted Republican.

649. Q. How many of the inspectors last fall were Republicans in the third ward?—A. There were two Republican names. Peter Mackin and Daniel Horton, Republican inspectors.

650. Q. Do you know where they are employed?—A. Mackin was employed on Kingsford's building on First street.

651. Q. Were you or were you not prior to the election of last fall mingling with the people on the streets and hearing the opinion of the election matters?

(Objected to as before.)

A. I have, or was.

652. Q. And was the thing not true as to several years prior to last fall's election?

(Objected to as before.)

A. I have.

653. Q. And have you or have you not heard by common talk and public repute that persons in the employ of the Oswego Starch Factory and Thomson Kingsford were required by him to vote a Republican ticket or lose their situation?

(Objection as before, and further because it is hearsay.)

A. I have.

654. Q. Have you heard, by common talk upon the public streets for several years last past, what the system or management of Thomson Kingsford was on election day at the polls towards seeing that his employes voted the Republican ticket?—A. I have.

655. Q. Was the same not talked of by the Republicans as well as Democrats?—A. No.

656. Q. And in this common talk that you have spoken of apply to the system in all the wards of the city where his employes resided?

(Objected to as before.)

A. I so understood it.

657. Q. From what you have observed of this system and what you have heard of common talk, state what the system was and the conduct of the bosses in keeping tally of the voters on election day.—A. The

bosses came down to the polls first and then the men came down and got tickets from them. I saw that last fall.

658. Q. You saw that of Rassmusson?—A. Yes.

659. Q. What, if anything, do you know in reference to or about the bosses checking off the names of the starch-factory men as they vote, either by observation or common report, as their general practice?—A. I don't know about that.

660. Q. And as a general practice, are not the tickets so folded when they are voted as a general rule that when they pass into the hands of an inspector of election that he can tell whether it is Republican or Democratic?—A. They are so folded.

661. Q. And the inspectors of election check off the names as they are voted? Democrats have a book and the Republicans one?—A. Yes.

662. Q. How do they check off?—A. A man comes up to vote; the inspectors don't know him; they ask him his name and then see if he is registered, and then opposite his name they check it to know he has voted.

663. Q. And cannot these inspectors tell by this system of checking whether a man is voting a Republican ticket or Democratic ticket by the heading?—A. Yes.

664. Q. Do you know how long Mr. Mackin, inspector, has been in Kingsford's employ?—A. He commenced on the main building last September.

665. Q. And from common report and common talk upon the public streets has it not been generally understood for several years past unless the employés of Thomson Kingsford in the starch factory vote the Republican ticket they will be discharged?

(Objected to as before.)

A. I have heard it so stated.

666. Q. Judging from what you have seen and from what you have heard for several years last past and from your knowledge of the men in the employ of the starch factory and Thomson Kingsford, both as to nationality and politics, do you not think the system employed by him has a decided effect upon the voters?

(Objected to on the ground that the witness has not shown himself qualified or competent to answer the question, and calling for witness's opinion.)

A. I think it has.

667. Q. What is your opinion of the effect of this system spoken of upon their voting the Democratic or Republican ticket?

(Objected to as before, and further that the question implies the existence of a fact, to wit, a system of voting which is not proven or admitted to be true.)

A. The effect would be from what I have heard for them to vote the Republican ticket.

668. Q. To your best knowledge and belief was there not last fall and has there not been for several years last past a wide-spread intimidation among the employés in the starch factory and Thomson Kingsford to those who want to vote the Democratic ticket?

(Objected to as before.)

A. I think there is.

669. Q. In your opinion, did not many of these employés last fall and for several years past vote the Republican ticket who would not have done so or staid at home had it not been for the system employed?—A. That is my opinion.

670. Q. In your opinion, judging from what you have seen and heard,

has not this system of compelling men to vote inaugurated by the starch factory or Thomson Kingsford has had a decided effect upon the result of the elections in the city of Oswego?—A. I think it has.

671. Q. State where the polls in the third ward were situated last fall in the city of Oswego?—A. Of the third ward, on the corner of Ninth and Oneida streets, at the old engine-house.

672. Q. Were the voters last fall allowed to be in that building on the day of election to cast their ballots inside?

(Objected to.)

A. They were not.

673. Q. State whereabouts at the building the votes were receive.—A. On the west side of the building, through the first window.

674. Q. Describe fully how the votes were received through that window, and whether the same was barricaded or not, and the size of the opening, if any, through which the ballots were received?—A. The engine-house windows were nailed up with boards across them, and they were pulled off about half-way up, three or four feet through, and the votes were taken through a broken pane of glass.

675. Q. Was the window not closed outside this opening?—A. There was an opening about three feet above the opening where votes were taken.

676. Q. What was the distance from the ground up to this opening?—A. Five or five and a half feet.

677. Q. And did the ballot-boxes set on a level with the opening in the window?—A. They did not.

678. Q. And how far back from the opening did the boxes set?—A. It might have been five or six inches back.

679. Q. About what was the distance from the outside of the window-sill to the opening of the window?—A. Probably 12 or 14 inches.

680. Q. From the situation of the ballot-box, and where the voter was required to stand to present his ballot, could voters of the ordinary size plainly and distinctly see his ballot put in the ballot-box without exerting himself to rise up and look over the sill?—A. A man of my size, if the box was on a level, could see better. The table was lower than the window.

681. Q. The manner in which the ballot-box sat that day at the third ward polls, and from the height and from the distance from the ground on the outside, men of ordinary size could not see the ballots deposited by the inspectors receiving without exerting himself by raising himself up and looking over.

(Objected to.)

A. A short man would have to raise himself up to see his ballot put in.

682. Q. And how many ballot-boxes were used that day?—A. Four; State, assembly, Congress, and city.

683. Q. And were they separate ballot-boxes?—A. Yes; one for each ticket.

684. Q. State where on the table the Congressional ballot-box stood.—A. To the right of the opening.

685. Q. You may give the size of the aperture through which the ballots were received.—A. Nineteen by fourteen inches.

686. Q. And which one of the inspectors received the ballots on that day?—A. Horton and Mackin most of the day.

687. Q. And did you see and observe any other person or persons other than Mackin on the inside of the polls in the employ of Thomson Kingsford that day?—A. I don't think I did.

## Cross-examination:

688. Q. Have you always resided in the third ward?—A. I have.
689. Q. Are you married or single?—A. Single.
690. Q. Do you live with your parents?—A. I do.
691. Q. About when did you commence attending the polls on election-day?—A. Since I was 14 or 15.
692. Q. What was your object in attending the polls so young?—A. No particular object.
693. Q. Have you been a worker at the polls on election-day?—A. I have.
694. Q. When did you commence to work at the polls?—A. When I was 21.
695. Q. Were you a clerk at the polls prior to your becoming of age?—A. I think I was.
696. Q. Have you been a clerk or worker at the polls in any other ward but your own?—A. No.
697. Q. You have also been an inspector of election to fill vacancy?—A. I have, by appointment.
698. Q. But have never been regularly elected to that office?—A. I have not.
699. Q. How many times have you been clerk at the third ward polls?—A. Off and on for the last five years.
700. Q. The clerk is appointed by the inspectors of election?—A. Yes.
701. Q. How came you to be appointed clerk; by what influence?—A. The inspector asked me to serve at the last fall election.
702. Q. Was there any other clerk there besides yourself?—A. There was.
703. Q. What was his name?—A. Edward Sweatenham.
704. Q. What has been the character of your services at the polls aside from that of inspector or clerk?—A. I have peddled tickets.
705. Q. Have you not on some occasion or occasions received pay for such services?—A. No.
706. Q. When did you first observe such starch-factory boss or bosses working at the polls?—A. Five or six years ago or more.
707. Q. What was the name of the first one you saw there?—A. A man by the name of Southwick.
708. Q. Do you know, or have you heard, of any other boss in the starch factory other than the one named?—A. No.
709. Q. Do you know how long he has lived in your ward?—A. No.
710. Q. What have you seen Southwick doing at the polls?—A. I saw him have tickets, and giving to men who wanted.
711. Q. Did you see him there at the last fall's election?—A. I don't think I did.
712. Q. Have you seen him with tickets in his hand there on more than one occasion?—A. I don't remember.
713. Q. Can you remember a particular occasion of his being at the polls?—A. No; I cannot.
714. Q. And aside from his having tickets in his hand, what else did you see him do at the polls?—A. Stand around there, same as others that had tickets.
715. Q. Have you ever known a starch-factory boss to be an inspector of elections in that ward at that poll?—A. Not as I remember.
716. Q. Or that was a clerk?—A. No.
717. Q. Or that was a United States supervisor or marshal?—A. No.
718. Q. How long have you known Erasmussen?—A. Ten or twelve years.

719. Q. How long have you known him to be a worker at the third ward polls?—A. Three or four years.

720. Q. Can you name any other employé of the Oswego Starch Factory than Erasmussen and Southwick that you have seen working on election day—working at those polls?—A. No.

721. Q. Who were in the polling-place on last fall's election?—A. Three inspectors, two clerks, two supervisors and two marshals.

722. Q. The admission to the polling-place was not denied?—A. There were a few who came in to warm, and fold tickets.

723. Do you know the politics of Daniel Horton, the inspector?—A. A Republican.

724. Q. What was the name of the Democratic inspector?—A. John O'Rafferty.

725. Q. What were the names of the other inspectors of election, the marshals, and the supervisors?—A. Peter Makin was the other inspector; one of the supervisors' name was Richard Walpole, jr., a Republican, the other John T. Mott, Democrat; John C. Churchill, J. and Henry Mattoon were marshals, Republicans.

726. Q. Beside the officers of election can you name some other persons who were in the polling-place on that day?—A. There were two.

727. Q. Who were they?—A. John Makin and Edward Surkin.

728. Q. What was the character of that election, so far as you observed; quiet and orderly, or otherwise?

(Objected to.)

A. Quiet.

729. Q. Did you observe any frauds or attempt at frauds on that day?—A. I did not.

730. Q. Did you observe any intimidation or coercion, or attempt at intimidation or coercion, of any voter or voters at the election on that day?—A. I did not.

731. Q. Have you learned of the practice of anything of that kind on any voter on that election in the third ward?

(Question withdrawn.)

732. Q. Have you learned the name or have you heard the name of any person or persons who was coerced or intimidated into voting a Republican ticket contrary to his wishes at last fall's election in this city?—A. No.

733. Q. Are you acquainted with some of the present employés of the factory?—A. I am.

734. Q. And well acquainted?—A. I have been for a number of years.

735. Q. Have you heard any such employé of the factory say within the last five years that he has been restrained either by Mr. Kingsford or by any boss in the factory from voting the Democratic ticket within that time?—A. I have never asked them or heard them say.

736. Q. Or that he has been coerced to vote a Republican ticket?—A. I have not.

737. Q. Have you ever heard any talk of that kind among any of the employés of the factory on any occasion whatever?—A. I have not.

738. Q. Have you any means of knowing personally whether any coercion or intimidation of voters is practiced by Mr. Kingsford or by any of the bosses of the factory?—A. I have not.

739. Q. All the information on that subject, that is, of the intimidation and coercion and restraining the voters of the factory, which you have sworn to on your direct examination is based wholly on hearsay?—A. It is.

740. Q. You have no personal knowledge then of a system of political

coercion and intimidation practiced on the employés of the starch factory on the part of any one?—A. I have not.

741. Q. Nor of any knowledge of that system if carried into effect, if any such system exist?—A. I know nothing about it except what I have heard.

742. Q. Do you not believe that the stories of such coercion and intimidation which you have heard are in many instances distortions or exaggerations?—A. I don't know.

743. Q. Do you believe all those stories you have heard on that subject are true?—A. I can't tell.

744. Q. Have you not any belief on the subject of those stories?—A. I believe them. They say whatever everybody says is true.

745. Q. Do you know whether to believe them or not?—A. I can't say.

746. Q. And those stories have not made much impression upon your mind?—A. They have not.

747. Q. And do you not believe, Mr. Gill, that Mr. Kingsford, in his factory, foremen and employés, are often misrepresented on this subject by the stories that are in circulation more or less in this community?—A. I do not know.

748. Q. Do you mean by that answer you don't know whether to believe them or not?—A. Yes.

749. Q. Then you have not any particular belief on the subject of the truth or falsity of those stories?—A. I don't know.

750. Q. Then that is the only answer you will make as to whether you believe those stories or not?—A. Yes.

751. Q. Do you believe that Mr. Thomson Kingsford compels his employés to vote the Republican ticket or not, when against their wishes?—A. I don't know.

752. Q. Have you not seen starch factory bosses giving tickets to other men besides employés?—A. I have.

753. Q. Did you believe Mr. Erasmussen was at the polls last fall expressly and for no other purpose than to spy upon the conduct of the factory employés?—A. I cannot tell what his purpose was.

754. Q. Do you wish to impute this course of conduct upon your neighbor?

(Objected to as not material to the issue between Mr. Duffy and Mason. Notaries disagree.)

A. I don't know what his object was.

755. Q. Do you wish, by your evidence you have given here, to cast the imputation upon Mr. Kingsford of political coercion and intimidation of his employés?

(Objection as before. And further that this man's wishes cannot be material to the issue. Same ruling.)

A. Personally I do not.

756. Q. Do you believe he is or has been guilty of such alleged misconduct against his employés?—A. I don't know.

757. Q. Do you believe Mr. Kingsford controls the political complexion of this town?—A. I don't believe he does.

758. Q. You say the tickets are folded when they are voted so the heading or caption is seen and not the names of the candidates?—A. Yes.

759. Q. And do you not understand the legal requirements to be that all tickets voted must be so folded?—Yes.

760. Q. And if an open or unfolded ticket is offered is it received by the inspector of election?—A. No.



761. Q. But it is returned to the voter for folding?—A. It is.

762. Q. You have no knowledge, have you, or definite idea of the extent of the intimidation of factory voters, if any such exist?—A. I have not.

763. Q. And you have no idea, then, whether it affects the political situation of the city?—A. From what I have heard I think it does.

764. Q. But can't tell to what extent?—A. More or less.

765. Q. Have you any idea that any of the factory voters last fall were compelled to vote the Republican ticket against their wishes?—A. I have not.

766. Q. How long have the polls of the third ward been held at the place you described?—A. Last fall the first time.

767. Q. Have you measured the window at the polling place where the votes were received?—A. I have not.

768. Q. About how large was the window through which the votes were received?—A. Three or four feet square.

769. Q. How many panes of glass?—A. Six.

770. Q. Have you measured the distance between the ground where the voters stood and the sill of the window over which the votes were received?—A. No.

771. Q. It was the bottom pane of glass that was removed to receive votes?—A. It was.

772. Q. And persons were more or less passing out and into the room where the ballot-boxes were situated?—A. Yes.

773. Q. And a voter could see the ballot-box at the window when he voted if he choose to do so?—A. He could see them; I can't say as he could see them all.

774. Q. Could he not see his ballot deposited if he chose to do so?—A. I think he could.

775. Q. On account of any insufficiency in the arrangement for receiving the votes, did you hear any complaint?—A. I did not.

776. Q. And you have had no occasion to criticise that arrangement?—A. No; I have not.

777. Q. Was the top of the ballot-box on a level with the sill of the window?—A. It was higher.

778. Q. Did not O'Rafferty receive part of the votes at the window?—A. He might and might not.

779. Q. You regard him as a competent man for that position—A. Yes; they would not had him if he was not.

780. Q. And Mr. Mott, the Democratic supervisor, is also very capable and discriminating and observing man for that position?—A. I think he was.

Redirect :

781. Q. In your judgment have you not been satisfied from what you have observed of the conduct of the bosses of the starch factory on the day of election and common talk as expressed by the laboring men of the community, and of public men, and prominent, who have had the means of observation that there is a widespread intimidation among the starch factory employes, causing them to vote the Republican ticket when otherwise if left to their own free will and action would vote the Democratic ticket?

(Objected to as covering the same ground already gone over by contestant's counsel and as leading.)

A. From what I have heard from Democrats working at the polls that factory men were afraid to vote the Democratic ticket.

782. Q. Do you honestly believe, from what you have observed and heard, that this intimidation exists to such an extent it has a marked effect upon the votes of the city?—A. I think it has.

Recross:

783. Q. Have you believed all that you heard Democratic workers at the polls say on this subject of intimidation?—A. I did.

784. Q. Have you heard Republicans talk on that subject?—A. I have not.

785. Q. Name a single man that has told you that there was a widespread political intimidation among the factory voters.—A. Mr. Cooley, the witness in the other room.

786. Q. The man you understand is now on the witness stand for Mr. Duffy?—A. Yes.

787. Q. When did he tell you so?—A. I can't tell.

788. Q. Have you any idea how many voters there are in the factory?—A. I can't.

MICHAEL GILL.

Subscribed and sworn April 23, 1879.

D. J. VAN AUKEN,  
Notary Public.  
C. O. CASE,  
Associate Notary Public.

Adjourned to February 24, 1879, at 9 a. m.

February 24, 1879, met pursuant to adjournment.

*Deposition of C. Connors.*

CORNELIUS CONNORS sworn.

789. Question. State your age, occupation, and residence.—Answer. Age, thirty-four; residence, East First street, Oswego; am a shoemaker.

790. Q. Where were you born?—A. In Ireland.

791. Q. What year did you come to this country?—A. In 1866.

792. Q. Have you been naturalized?—A. Yes, sir.

793. Q. In what year and at what date?—A. I got my first papers in the fall of 1868.

794. Q. In what year did you get your last papers?—A. In 1871-'72.

795. Q. And you have been in the habit of tending the polls and voting ever since?—A. Yes.

796. Q. Have you been in the habit of voting the Republican and Democratic?—A. Yes.

797. Q. Were you the keeper of a saloon in October or November last?—A. No, sir; I kept a shoe-shop.

798. Q. In your business you simply make and repair shoes to order without keeping a stock on hand?—A. I keep some on sale, as well as make and repair.

799. Q. Are you acquainted with one John J. Lamoree, ex district attorney of Oswego County?—A. I know him.

800. Q. Are you also acquainted with one Samuel B. Burchard, deputy revenue collector?—A. I am.

801. Q. How long have you known Lamoree?—A. Five or six years, more or less.

802. Q. And did you have, during his administration, any business with him as to the confinement of your nephew in the house of refuge? (Objected to.)

A. Yes.

803. Q. And how long was it before the election?

(Objected to.)

A. Was some time last summer.

804. Q. Was it not some months before election?—A. It might be.

805. Q. Did you see Mr. Lamoree and Burchard, both, or either of them, a week before the election?—A. I saw them both.

806. Q. What day of the week before election were they then at your shop?—A. Can't tell exactly.

807. Q. To the best of your recollection was it not the Monday night before election?—A. Yes.

808. Q. And were they both at your shop on that occasion?—A. I think not.

809. Q. What time of night was it that Mr. Lamorse was there alone?—A. After night.

810. Q. When was it that they were together there?—A. Same night, Monday.

811. Q. Who was present in your shop on the occasion of either of them being in your shop?—A. A young fellow I don't recollect.

812. Q. Was his name not Stephen Heagerty?—A. I think his name was Heagerty.

813. Q. And in both your interviews with those gentlemen you talked about the election and Judge Mason?—A. I don't remember as I talked about the election or Judge Mason.

814. Q. In point of fact your interview that night pertained to the election of next day?—A. There might have been a few words spoke about the election.

815. Q. What length of time did each of those interviews consume?—A. Fifteen or twenty minutes.

816. Q. Did you have any interview with them except upon election?—A. I don't remember.

817. Q. Did you send for them to come to your shop that night?—A. I did not.

818. Q. Did you tell Mr. Lamoree to return a second time?—A. I don't think I did.

819. Q. Had Mr. Lamoree been your counsel three months previous to election?—A. No.

820. Q. Did he or did he not at the time of election have any legal business with you?—A. No, none outside of the boy.

821. Q. You had not made or sold to Mr. Lamoree or Burchard any shoes or boots for some time, and they were not indebted to you at that time?—A. No.

822. Q. Did or did not Mr. Burchard or Lamoree pay you some money that night; and if so, how much; and who paid it—Lamoree?—A. They paid me some.

823. Q. How much?—A. They paid me \$7.

824. Q. Who paid the same to you?—A. Lamoree.

825. Q. And the same was paid to you for election purposes?

(Objected to.)

A. Yes; for election purposes.

826. Q. And Judge Mason's name was mentioned?—A. I think it was.

827. Q. Can you give any more definite hour of the night the parties were at your shop?—A. From seven to ten o'clock.

828. Q. Do you know, or have you been informed or learned from any source whatever, of the payment of money to any other person or per.

sons to influence the election of Judge Mason or the Republican party on the night before the day of election or at any time prior?

(Objected to.)

A. I don't know of any except outside of John Collins. I have not been informed. I don't recollect of hearing of any.

829. Q. How much money did Collins get, and from whom did he receive it?—A. Five dollars, and received it from John J. Lamoree.

830. Q. Who was present when the money was paid to you?—A. No one.

831. Q. Was or was you not present when the money was paid to Collins?—A. I was.

832. Q. Was or was it not common talk in the neighborhood where you live, on the public streets, and on election day, that Lamoree and Burchard were using money in the interest of Judge Mason and the Republican ticket?—A. I don't recollect such talk.

833. Q. In what kind of money were you paid?—A. A five-dollar bill and two dollars in silver.

834. Q. In what money was Collins paid?—A. Silver.

835. Q. And do you reside in the same building where your shoe-shop is?—A. Yes.

836. Q. And were you given any tickets or pasters by these gentlemen before election?—A. I was not.

837. Q. Did you go to the polls the day of election?—A. I did.

838. Q. Did you vote on the day of election?—A. I did.

839. Q. What time?—A. In the morning, before 10 a. m.

840. Q. Did you vote the entire Republican ticket on that day?—A. I did not.

841. Q. Did you vote for any Democrats on that day?—A. I did.

842. Q. And did you vote for all the men for offices on that ticket?—A. I don't recollect.

843. Q. For what Democrats did you vote?—A. I voted for Recorder Higgins.

844. Q. For whom did you vote for Congress?—A. For Judge Mason.

845. Q. When did you first learn that this contest was to take place?—A. I saw an account in the paper.

846. Q. And have you remained at home ever since you learned this contest was to take place until this forenoon?—A. Not all the time.

847. Q. When did you first leave home after hearing of the contest?—A. On the 6th of February.

848. Q. And did you remain away, and how long?—A. Nine or ten days.

849. Q. And you had heard more or less talk about the contest before you went away?—A. I had in the shop.

850. Q. Did or did you not talk about it to persons?—A. Perhaps I have.

851. Q. And have you not learned previous to your going away that John Collins had been subpœnaed, and that you probably would be?—A. I heard nothing of the kind.

852. Q. Did you not know, from information given you by Collins, that a subpœna had been issued and served for him to appear?—A. I don't recollect.

853. Q. Had you not received information that a subpœna had been issued for you, and a messenger was looking for you to serve it?—A. No.

854. Q. Did you not know, from general information, when you went away, that the contest was to commence on the 7th?—A. I don't remember.

855. Q. With whom did you converse the five days before you went away about going away?—A. No one, to my recollection, except my wife.

856. Q. What time in the morning did you leave?—A. At 12.30 a. m.

857. Q. On what road?—A. Rome and Watertown.

858. Q. Where did you first leave the train?—A. At Mexico.

859. Q. How long did you remain there?—A. Until eight o'clock next day.

860. Q. Which way did you go from there?—A. To Richland.

861. Q. How long did you remain there, and where did you go next?—A. That evening I went to Watertown.

862. Q. How long did you remain in Watertown, and where did you go next?—A. I worked there a week.

863. Q. Where did you go next?—A. I came home.

864. Q. Did you take your tools with you the first time?—A. I did.

865. Q. What time did you arrive home?—A. A week ago last Saturday.

866. Q. And you staid at home how long?—A. Until Monday morning, eight o'clock a. m.

867. Q. What road did you leave on?—A. On the Midland for Fulton.

868. Q. Where did you get on the train?—A. I got on at the depot.

869. Q. And took your tools with you again?—A. I did.

870. Q. Did you look for work in Fulton?—A. I did not.

871. Q. When did you leave Fulton, and on what road?—A. 12.39; Syracuse road.

872. Q. How long did you remain in Syracuse?—A. Until Saturday last.

873. Q. Did you work there?—A. No.

874. Q. You arrived home on Saturday afternoon last?—A. Yes; about 4 p. m.

875. Q. You had been informed previous to last Saturday that you could require five days' notice to appear on subpoena, had you not?—A. I don't recollect.

876. Q. Are you acquainted with Joseph Dempsey, John J. Lamoree, S. B. Burchard, Charles Doolittle, John A. Place?—A. I know them by sight.

877. Q. Do you know where Mr. Lamoree's office is?—A. Yes; in the Arcade block.

878. Q. Were you at his office within ten days prior to your leaving?—A. I don't remember.

879. Q. Were you not requested by Charles Doolittle, Joseph Dempsey or some one else to go there?—A. No.

880. Q. Were you at Doolittle's store within a week before you first went away?—A. No.

881. Q. Did you not have a talk with them or either of them the week before you left?—A. I don't remember.

882. Q. Might you not have had?—A. Not that I remember.

883. Q. Who called on you the first time after you had been away?—A. No one that I recollect except Jimmy Dual called on me on Sunday.

884. Q. Did you receive any letter from any one after you came home?—A. I did not.

Adjourned for dinner to half past one.

CONNORS resumed.

885. Q. Were there or were there not a great number of Greenbackers, Democrats, who worked for Mason on election day?—A. I can't tell; I did not see any such work.

886. Q. In your opinion don't you believe that was the case ?—A. I don't know.

887. Q. Did not some one tell you that Lamoree said if you kept out of the way and was not subpoenaed you would not be liable for any penalty ?—A. No one told me so, and I did not so state to Mr. Miller.

888. Q. Did you learn in any manner from any source what Lamoree's opinion was in regard to this matter ?—A. I did not.

889. Q. Did you learn in any way or in any manner what Lamoree's wish was in regard to your going away or in testifying ?—A. I don't remember.

890. Q. Have you not talked with several persons, both before your going away on the first occasion and on your return on the first occasion, and upon your last return on Saturday last, about what took you away, and in those conversations have you not stated that you was to receive a consideration, either directly or indirectly, for keeping out of the way ?—A. I don't remember as I ever did.

891. Q. You are acquainted with Mr. Sylvester Murray, John Collins, and a Mr. Miller, and Bill Miller the watchman ?—A. Yes, sir.

892. Q. Will you now say that you have not talked to either or all of those persons and your wife, both before going away and upon your two separate returns ?—A. I don't remember talking on such a subject with any one.

893. Q. Now do you put it upon your recollection ?—A. I might have talked with Mr. Murray that I was going off on business.

894. Q. Did you learn in any way, either directly or indirectly, or by intimation of any person, or Jo. Dempsey, or J. J. Lamoree, S. B. Burdard, C. Doolittle, or any of the ring politicians of the Republican party, that it was their wish you should not testify ?—A. It was not, according to my knowledge.

895. Q. Did you have any conversation with John Collins the day before or the second day before leaving ?—A. Not to my recollection.

896. Q. Will you swear that Collins did not tell you on the day or night before leaving that Jo. Dempsey had taken him to Lamoree's office and there instruct that he had been subpoenaed and desired you to do the same, and that you would be well paid, or in substance that, in the presence of Mr. Heagerty ?

(Objected to.)

A. Collins did not tell me to my knowledge.

897. Q. Did you not learn before you went away that Dempsey and Lamoree and Doolittle were trying to get Collins to go away in some way ?—A. No.

898. Q. Will you swear that you did not see and talk with Collins a few days before you went away ?—A. I don't recollect as I had.

(Objected to by contestee's counsel. Notaries disagree.)

899. Q. Did you remain at the polls all day of election ?—A. I was not.

900. Q. Were you in your shop the day of election ?—A. I was.

901. Q. You recollect the first hour you went to the polls ?—A. About 8 a. m.

902. Q. Did or did you not spend any money that day ?—A. Yes ; I spent \$5 betting on election.

903. Q. Did you spend any other money on that day ?—A. I had a few drinks.

#### Cross-examination :

904. Q. Do you recollect spending any other money, except for drinks, that day ?—A. I don't remember ; might a little for cigars.

905. Q. What have been your politics for years past?—A. Part Democrat, and part Republican.

906. Q. And have you usually supported the candidates for office that in your judgment were the fittest for it, and without reference to which party such candidate belonged to?—A. Yes.

907. Q. Do you remember the occasion of Mr. Lamoree's and Burchard's visit at your shop the night before the election, either of those gentlemen naming Mr. Mason's name?—A. I think Burchard said he wanted Mason elected.

Redirect:

908. Q. Did you visit Lamoree's office on the 6th of February before you left?—A. I don't remember.

909. Q. Did you receive any compensation, either directly or indirectly, or any promise of compensation to you or your family, either on the morning of the 6th when you visited Lamoree's office, or any other person or persons named?—A. Not to my knowledge.

910. Q. Did you go directly home from Lamoree's office or to the train on the 6th of February?

(Objected to as improper, as implying the existence of a fact, to wit, that he had been at Lamoree's office, which is not admitted or proven.)

A. I have knowledge of being there; don't recollect.

911. Q. You knew, did you not, Mr. Connors, who the candidates were for Congress at the election?—A. I did.

912. Q. You knew Duffy was the candidate of the Greenback party and on the Democratic ticket?—A. I did.

913. Q. Was you not opposed to the policy of the Greenback party?—A. I never did and never would vote that ticket.

914. Q. Were you intending at any time prior to the election and after the nomination of Mr. Duffy by the Greenbackers to vote for him?—A. I was not.

915. Q. You knew Mason to be the Republican candidate prior to the election?—A. I did.

916. Q. You may give your reason for supporting and voting for Judge Mason for Congress?—A. Because Duffy belonged to the Greenback party; I would not vote for a Greenbacker any way.

917. Q. Was there not considerable talk among Democrats showing they were dissatisfied with the action of their convention indorsing Duffy the Greenback candidate for Congress and making him their party candidate?—A. There was some talk in shop; I can't tell what it was.

918. Q. Did you not understand many Democrats were dissatisfied with Duffy on the ground of his belonging to the Greenback party?—A. I can't tell.

919. Q. Was it your intention to support Mr. Mason for some time previous to election day?—A. Yes, sir.

920. Q. So you were not persuaded or induced to vote for Mr. Mason by anything said or done by Lamoree or Burchard on the occasion of their previous visit to your shop on election day?—A. No, sir.

921. Q. Had you not made up your mind to vote for Mason before you saw Burchard and Lamoree on that occasion?—A. I had.

922. Q. Do you remember supporting any other Republican?—A. G. B. Sloan.

923. Q. Do you remember supporting any other Democrat for office, except Higgins?—A. Yes; John Gardiner.

924. Q. Did you work for Gardiner?—A. I had Gardiner tickets.

925. Q. And did you receive any money for supporting any of the Democratic candidates?—A. No.

926. Q. Can you tell which of the tickets oftenest has secured your support, the Republican or Democratic?—A. I have voted some of each all the time.

927. And will you swear, Mr. Connors, that nothing was said to you by Mr. Lamoree in reference to the nephew of whom you have spoken?—A. I know he did not.

928. Q. Will you swear on that occasion that you did not talk with Lamoree on any other subject except the election?—A. I won't swear we did not; we talked of it there some time.

929. Q. How long is the longest you will swear Lamoree and Burchard were there?—A. Not quite a half hour.

930. Q. Did you purchase or attempt to purchase any votes on that day?—A. I did.

931. Q. And did you use any improper, or fraudulent, or illegal means or devices to procure votes?

(Objected to as incompetent and calls for a conclusion of law.)

A. Not to my knowledge. (Notaries disagree.)

932. Q. Did you treat anybody with drinks or cigars on that day to induce a vote?—A. I might have treated, but not to secure a vote.

933. Q. Did you spend any money on election day or previous to election day to induce or procure votes for any candidate?—A. Not to my knowledge.

934. Q. You did not see any money given to Collins on that occasion by Lamoree?—A. Yes; I did.

935. Q. Who was present when Lamoree was there?—A. I and Am. Heagerty.

936. Q. Did Lamoree and Burchard go off together?—A. They did.

937. Q. Had Mr. Lamoree advised or in any manner tried to induce you not to be a witness in this contest?—A. Not personally.

938. Q. Has Mr. Burchard?—A. No, sir.

939. Q. Has Chap Doolittle?—A. No.

940. Q. Or Capt. Jo. Dempsey?—A. No.

941. Q. Has any other Republican?—A. Not to my knowledge.

942. Q. Can you write?—A. Not much.

943. Q. Do you know James Beckwith, of this city?—A. Yes.

944. Q. Did you see him previous to your going away on the 6th of February?—A. I did not.

945. Q. With whom have you talked since you came home on Saturday p. m.?—A. A good many.

946. Q. Have you talked with any that apparently had an interest in this contest?—A. I talked with Sylvester Murray.

947. Q. And did he tell you he had been a witness in this case?—A. He did.

948. Q. And did he tell you anything he swore to?—A. No.

949. Q. And was this talk with Murray before you commenced to testify?—A. It was.

950. Q. And do you now remember telling him or any one else that you were going away to avoid being a witness in this contest?—A. I don't think I did; I can't remember.

951. Q. Had you heard Murray talk about this contest before you went away?—A. Not to my knowledge.

952. Q. Do you remember now having a talk with Collins about this contest before you went away?—A. I do not.

953. Q. Have you talked with Collins since you came back?—A. Yes.

954. Q. When?—A. This a. m.

955. Q. And where did you see Collins?—A. At my house.



956. Q. Did he talk with you about this contest?—A. A few words.

957. Q. Did he come to the court-house with you?—A. He did.

958. Q. Did he tell you he had been a witness in this case?—A. He did.

959. Q. Did he talk about something of the testimony he gave?—A. Had but little time and few words.

960. Q. Did he tell you what he swore to?—A. I guess not this morning.

961. Q. Have you talked with any one else to-day but Collins and Murray, or been anywhere to consult with any one?—A. Only Mr. Baker and Poucher.

Redirect :

962. Q. Was Duffy not nominated by the Democrats and run on the Democratic ticket?—A. No; I don't know.

963. Q. Then you did read the papers and keep up with the politics of the day so as to tell on what ticket he was running?—A. It was that he was on the two tickets against Mason.

964. Q. Can you tell the difference between the Republicans and Democrats upon the political issue last fall?—A. I can't tell.

965. Q. Was there any difference between the two parties last fall upon the financial question?—A. I can't tell.

966. Q. Were you acquainted with Mason or Duffy personally, so as to have a personal preference?—A. No; I never saw either of them.

967. Q. Then personally you had no preference?—A. No.

968. Q. For whom did you vote for county treasurer?—A. I did vote for John Dowdle.

969. Q. Was not John Dowdle the Greenback candidate for county treasurer?—A. Not to my knowledge.

970. Q. Would you have voted for John Dowdle if you had known he was the Greenback candidate?—A. I guess not.

971. Q. And you did not, then, pay such attention to the tickets in the field to know what candidates you voted for?—A. I did.

972. Q. How, then, did you come to vote for Dowdle, the Greenback nominee?—A. I don't remember just how I did fix that.

973. Q. Have you not taken and received money before, on election day or before, from Lamoree or other Republicans for voting?—A. Not for my vote.

Recross :

974. Q. Have you not received money from Democrats for work at the polls?—A. I think not.

975. Q. Will you swear you have not?—A. I don't remember as I have or not.

976. Q. Then you won't swear that you have not received money from Democrats at other times?—A. I don't think I have.

977. Q. Do you swear that you ever received money for election purposes before last fall?—A. I do not.

978. Q. You voted for Dowdle because he was a neighbor and an Irishman?—A. Yes.

979. Q. And this money you say you received from John Lamoree last fall, what was it paid to you for and what use did you make of it?—A. To pay for distributing tickets on election day.

980. Q. What did you do with the money?—A. I bet \$5 on recorder, and lost.

981. Q. And the balance of the two dollars did you use to get votes?—A. No.

982. Q. Did you spend any portion of that \$7 to influence votes?—A. I did not.

Redirect :

983. Q. (By BAKER.) This two dollars, did you not spend that to treat men to drinks and cigars?—A. I might have treated, and I had tickets with me.

CORNELIUS CONNORS.

Subscribed and sworn February 24, 1879.

D. J. VAN AUKEN,  
*Notary.*  
C. O. CASE,  
*Associate Notary Public.*

MADISON COUNTY.

In the matter of Sebastian Duffy against Joseph Mason, twenty-fourth Congressional district, State of New York.

FEBRUARY 20, 1879—9 a. m.

S. D. White, attorney, appeared for contestant, with S. E. Scranton, jr., as notary, before whom evidence was to be taken.

John E. Smith and D. G. Wellington appeared for contestee, and gave notice they had selected C. W. Underhill as notary to take evidence with Scranton.

Objections offered by John E. Smith to any evidence or depositions being taken and to any proceedings being had upon the following grounds:

First. The pretended notice given by the contestant to the contestee to examine witnesses and take evidence, dated February 14, 1879, and served the 18th of February, 1879, is wholly insufficient and irregular.

Second. That said notice is insufficient, in that it does not state or show that S. E. Scranton, jr., the notary public before whom said evidence is to be taken, as stated in said notice, is a notary public of the twenty-fourth Congressional district, and hence it does not appear that said Scranton has any authority to hear such examination and to take such evidence and depositions.

Third. That the proceedings herein are special, and created solely by statute, and the statute should be strictly complied with, which has not been done in these proceedings; and said notice not being in conformity with the statute, in that it does not show said Scranton to be a notary public of one of the counties of said Congressional district, he has no jurisdiction or authority to take such evidence and depositions or to act in the premises.

Fourth. Said notice does not confer any jurisdiction upon said Scranton to take such evidence or to act in the premises, and does not furnish any evidence to the contestee that the officer named in said notice was an officer authorized by the statute and practice to hear such examination and to take such evidence and depositions, and hence the contestee was not bound to assume such authority or prepare for the taking of such evidence and depositions as named in said notice.

Fifth. That said notice is insufficient, in that it does not specify in what State the twenty-fourth Congressional district named in said notice is in, and is no notice to the contestee that is the district from which he claims to have been elected a Representative to the Forty-sixth Congress.

The contestant states that these objections and lengthy arguments are made, as he believes, to consume time, and for no other purpose.

The contestee affirms that the objections and remarks made concerning the remarks made have not been made for the purpose of consuming time, but have been made because the contestee believes they are legal and proper, and ought to be made to protect the rights of the contesting parties.

Objections overruled.

The counsel for contestee accepts the rulings of notaries.

First. Contestee asks that the contestant be compelled to elect under which of the notices of contest, heretofore served upon the contestee, he will proceed and rely upon. The first of said notices received by the contestee the 26th day of December, 1878. The second being by telegram which was served upon contestee December 30, 1878, and bearing date December 27, 1878.

The contestee asks that the contestant be compelled to select which notice he will be asked to take depositions under.

The contestant declines, and says that these notaries are the officers and had nothing to do with the original notices, and that said objections are made for the purpose of delay only.

The contestant decides to take evidence under the notice served the 26th of December, 1878.

The contestee, by counsel, objects to any proceedings being had and to any evidence and depositions being taken under the notice dated December 26, 1878, the notice which the contestant gives notice he will rely upon and give depositions under, upon the following grounds:

First. That the notice is insufficient and incomplete under the statute and practice in such case made and provided, in that it does not specify particularly the grounds upon which the contestant relies, *i. e.*, the charges of Sebastian Duffy, contestant, that the election of Joseph Mason, contestee, was procured by force, fraud, intimidations, promises of favor, the buying of votes and voters, and corrupt and illegal means used by said Mason and in his behalf; and that his election was procured by illegal votes and illegal voting, and by his procurement or by the procurement by those interested in his election; and the grounds of contest therefore, respectively, do not state who was forced to vote for said Mason, and in what manner, place, town, city, or county such intimidation was had, or to whom or in what manner promises of favor were made, and what votes and voters were bought, or where and when such votes or voters were so bought, and what other corrupt and illegal means were used by said Mason, and in his behalf; and by what illegal votes and illegal voting, by his procurement or those interested in his election, said Duffy was prejudiced, and in what election district, city, or county such person resided and perpetrated such acts complained of.

Second. That said notice of contest is too indefinite and uncertain, and does not point out to the contestee with sufficient certainty the irregularities, illegalities, and frauds claimed by the contestant.

The contestant states that these objections were prepared by one Lamoree, of Oswego, which have been printed and prepared for counsel's benefit, and which, to save time, the counsel was requested to submit to the notaries in printed form for their decision; that said objection is made by the counsel of the contestee for delay only, and to prevent the taking testimony in support of the charge.

And the contestee affirms that there has been no printed or prepared objections made by Lamoree, or any other person, to aid the counsel for the contestee in these proceedings; and these objections are not made

for the purposes claimed by the contestant, but are made in good faith and to protect his legal rights only, and the accusations last above made by the contestant are uncalled for, and, as the contestee believes, fairly should not have been made.

The contestant states that the lengthy arguments made by the contestee's counsel were for the sake of delay, and to prevent the taking of evidence in support of the charge.

That the contestee denies the very improper and, we think, unfair charge of our friend, the contestant, and affirms that the objections are made upon fair and legal rights.

Objection overruled.

The contestant's counsel states that, as he understands, the time for his giving proof expires the 24th or 25th of the present month; that the contestant's counsel's engagements will prevent taking testimony all of said time; and so much time having been consumed by contestee by unfair, frivolous, and unworthy objections for the purpose of taking testimony, that he now gives notice that he shall ask for evening sessions.

The contestee says that only about an hour and one-half has been consumed by the contestee in making objections and requests, and remarks thereon by the counsel for contestant; that the answer of the contestee to the allegations contained in the notice of contest was served upon the contestant upon the 15th day of January, 1879; that the contestant did not begin or proceed to take evidence until the 7th of February; thus by his volition lost or failed to improve and use the time given him within which to take evidence and depositions between January 15 and February 7, 1879.

The contestant states that the contestee has occupied the whole forenoon session, of about three hours' time, in making frivolous objections, and to prevent the taking of testimony in support of the charge.

Adjourned until 1 o'clock p. m. February 20, 1879.

Parties meeting pursuant to adjournment, H. H. Keith appeared with J. E. Smith as contesting attorneys for contestee.

#### *Deposition of La Mott Smith.*

LA MOTT SMITH, being first duly sworn according to law, previous to the commencement of his examination, to testify to the whole truth, nothing but the truth, as well on the part of the contestant as of the contestee, in relation to the matter in controversy between the said parties, as far as he should be interrogated thereunto, testified as follows:

#### Direct examination:

1. Question. What is your age?—Answer. Thirty-nine years.
  2. Q. Where do you reside?—A. Hamilton Village.
  3. Q. How long have you resided in the village?—A. Seven years.
  4. Q. Have you resided near the village your entire life?—A. Yes.
  5. Q. What are your politics?—A. Democrat.
  6. Q. Did you work and vote for Mr. Duffy on the day of the last general election?—A. Yes.
  7. Q. Were you present at the polls most of the day?—A. Yes.
  8. Q. Did you peddle votes nearly the whole day?—A. Yes.
  9. Q. Was it generally talked on the day of election that money was being used for Mr. Mason's influence, and for the election of Mr. Mason?
- (Objected to by contestee, Mr. Mason, 1st, as incompetent; 2d, as hearsay evidence; 3d, that the witness should testify to that which was within his own knowledge.

Overruled by Seranton. Attorney for contestee excepts.)

A. It was.

10. Q. And was it talked by members of both parties?

(Same objections by contestee.)

A. Yes.

11. Q. Do you know Mr. Charles Kelloway, and how long have you known him?—A. Yes; about 20 years.

12. Q. Did he take an active part in the election of Mr. Duffy up to within two or three days of election?—A. Yes.

13. Q. Was he one of the officers of a Greenback meeting, and taking an active part in said meeting?—A. Yes; he was.

(Objected to as incompetent and immaterial. Overruled under exceptions.)

14. Q. Had you heard him say as to whether or not he would vote for Mr. Mason?

(Objection, as incompetent and hearsay. Overruled under exception.)

A. I heard him say he would not.

15. Q. On the day of election did Mr. Kelloway work specially for Mason?—A. Yes, sir.

16. Q. On the day of election did you or some one in your presence or hearing ask him as to the cause of his change?

(Objected to as hearsay and incompetent. 2d. As proving the declarations in the absence of the contestee, Mr. Mason. Overruled.)

A. Yes.

17. Q. What reply did Kelloway make?

(Same objections as above.)

A. His reply was "Stamps talked to-day."

18. Q. Did he work specially and hard for Mason on that day?

(Objected to. Calls for a conclusion, and the witness to state facts.)

A. Yes, sir.

19. Q. State the extent and opposition of his work up to within a day or two before election.

(Objected to. Incompetent and immaterial. Overruled.)

A. I heard him say Mr. Mason would not get his vote.

(Objected to as not proper to prove what he said in the absence of Mr. Mason. Overruled.)

20. Q. What have his politics been?—A. He was formerly a Republican, but a Greenbacker until a day or two before election.

21. Q. How long have you been acquainted with Eli Barber?—A. About 20 years.

22. Q. He has been an active Democrat during that time?—A. Yes.

23. Q. Did he work specially for Mr. Mason on that day?—A. Yes, sir.

24. Q. How long have you known Watts Cushman?—A. Five or six years.

25. Q. For the last year has he been a law-student in Mason's law office?—A. Yes.

26. Q. Does he still remain there?—A. He does, so far as I know.

27. Q. Did he on election-day work specially for Mr. Mason?—A. Yes, sir.

28. Q. Was he reputed to be a member of the Republican county committee for the town of Hamilton?

(Objected to as incompetent and hearsay; overruled.)

A. Yes.

29. Q. How long have you known Austin Tibbetts?—A. Fourteen or fifteen years.

30. Q. Has he been an active working Democrat during that time ?—  
A. Yes.

31. Q. A few days before election, did the Democrats have a meeting at the Eagle Hotel for the purpose of appointing men to peddle tickets on the day of election ?—A. Yes, sir.

32. Q. Was that in pursuance of a printed call ?—A. Yes.

33. Q. Did Austin Tibbetts attend that meeting and take an active part therein ?—A. Yes; I think he did.

34. Q. Were you informed he was one of the persons appointed to peddle tickets on behalf of the Democrats ?

(Objected to; incompetent and hearsay; objection sustained.)

35. Q. Did he work specially on election-day for Mason ?

(Objection; irrelevant; no evidence; objection overruled.)

A. Yes, sir.

Cross-examined :

36. Q. You say Charles Kelloway has been a Republican ?—A. Yes, sir.

37. Q. At one time he expressed himself in favor of the Greenback principles ?—A. Yes, sir.

38. Q. He did not finally support that ticket, did he ?—A. No, sir.

39. Q. Did he vote the Republican ticket ?—A. Yes.

40. Q. Did he peddle the whole Republican ticket on election-day ?—  
A. He did to some extent.

41. Q. He did not peddle Greenback tickets ?—A. No.

42. Q. Did he work for the whole Republican ticket that day ?—A. Yes, sir.

43. Q. Has he heretofore been an active Republican poll-driver ?—A. He has peddled tickets.

44. Q. You did not see Mr. Kelloway have any money on election-day, did you ?—A. No, sir.

45. Q. You did not see him use any money on election-day ?—A. No, sir.

46. Q. Did you attend the polls most of the day election-day ?—A. Yes, sir.

47. Q. Was Mr. Austin Tibbetts a Democrat prior to the last election ?—A. Yes, sir.

48. Q. Did he support the Democratic ticket on that day ?—A. Yes; except Representative.

49. Q. Did you know that he was not a Greenbacker at the last election ?—A. Don't know.

50. Q. Was Mr. Duffy nominated by the Greenback party ?—A. Yes.

51. Q. Was he an Inflationist ?—A. I suppose he was.

52. Q. Do you not know that Austin Tibbetts was not an Inflationist ?—A. Don't know.

53. Q. Have you heard that he was a Greenbacker ?—A. Don't know that he was.

54. Q. Where did Austin Tibbetts live during the last campaign ?—A. Village of Hamilton.

55. Q. How long had he lived there ?—A. Fourteen or fifteen years.

56. Q. Where did Judge Mason live ?—A. Village of Hamilton.

57. Q. How long had he lived in the village of Hamilton ?—A. Ever since I can remember.

58. Q. Do you know that Mr. Tibbetts and Judge Mason had been neighbors and friends for many years ?—A. Knew nothing to the contrary.

59. Q. How long has Eli Baber lived in Hamilton?—A. Over twenty years.

60. Q. Has he and Judge Mason been neighbors and friends a good many years?—A. Yes.

61. Q. How old, or about how old, is Eli Baber?—A. About sixty years.

62. Q. One of the oldest residents?—A. Yes.

63. Q. Has always been a Democrat?—A. Yes.

64. Q. Do you not know or understand he was not a Greenbacker during last election?—A. Understood he was not.

65. Q. Did you not understand he was opposed to Mr. Duffy's financial views?—A. Did not hear anything about it.

66. Q. How long have you been a Democrat?—A. Always, or 18 years.

67. Q. Did you peddle tickets on election day for Mr. Duffy's interest and work for his election?—A. Yes.

68. Q. When was the meeting at the Eagle Hotel held, of which you spoke?—A. During week before election.

69. Q. Did the Democrats have a meeting there?—A. Yes.

70. Q. Who was appointed the Democrat poll-driver for that day?—A. Only know from what I heard.

71. Q. Did you know of other Democratic voters and citizens of the village of Hamilton who peddled votes and worked for Judge Mason?—A. Yes.

Redirect by S. D. WHITE :

72. Q. Was Mr. Duffy nominated by the Democrats also?—A. Yes.

73. Q. You understood he had always been a Democrat?—A. Yes.

74. Q. Were there other men on the Democratic ticket that were also Greenbackers?

(Objected to; immaterial and improper. Objection overruled.)

A. Yes, sir.

75. Q. Mr. Richardson was a pronounced Greenbacker, the candidate for sheriff?—A. Yes, sir.

76. Q. Did Mr. Tibbetts or Mr. Barber work against him?

(Objection; incompetent and immaterial. Objection overruled.)

A. No.

77. Q. Was there much opposition to Mr. Mason in this place in the Republican party up to within a day or two of election?

(Objection; incompetent, and immaterial, and indefinite. Objection overruled.)

A. Yes, sir; considerable.

78. Q. State so far as you can the extent.—A. I don't know as I can tell how many was opposed to him. I heard five one night say they would not vote for him.

79. Q. State what else you heard or saw on election day or night indicating the use of money by Judge Mason or his friends.

(Objected to; improper; that the witness should speak of facts within his own knowledge and not of indications or from conclusion. Objection overruled.)

A. I heard Mr. Wellington tried to get a man to vote for Judge Mason and could not; and afterwards another man stepped up and offered him a two dollar note for his vote and he took it.

80. Q. Anything else you heard that day or evening?—A. Not anything.

## Cross-examination :

81. Q. Where is Mr. Kennedy ?—A. In Brooklyn.

82. Q. What was his name ?—A. J. C. Kennedy.

83. Q. You did not learn the name of the man who would not vote for Judge Mason ?—A. No, sir.

84. Q. Did you learn the man's name who stepped up to buy him ?—A. No, sir.

85. Do you know whether the man who bought the vote was a Green-backer ?—A. I do not.

86. Q. What is the politics of J. C. Kennedy ?—A. Democrat.

87. Q. Did he support Mr. Duffy ?—A. He did.

88. Q. Was he one of Mr. Duffy's active supporters ?—A. Yes, sir.

89. Q. Did he take part in the prosecution against certain young men of Madison University for voting ?—Q. He told me he was subpoenaed as a witness.

LA MOTT SMITH.

Subscribed and sworn to February 20, 1879.

S. E. SCRANTON, Jr.,  
Notary Public.

*Deposition of George Beal.*

FEBRUARY 20, 1879.

GEORGE BEAL, a witness, sworn, testified as follows:

1. Question. Were you one of the inspectors of election at the last election, and at the polls during most of the day ?—Answer. Yes.

2. Q. Do you know Mr. Watts Cushman ?—A. I do.

3. Q. He was a clerk in Mr. Mason's office ?—A. He is.

4. Q. Did you see what transpired at the polls when one Hollingsworth voted ?—A. I did.

5. Q. Was Mr. Cushman specially at work for Mr. Mason that day ?—A. Yes.

6. Q. You may state what transpired at the polls that day in relation to Mr. Hollingsworth voting.

(Objected to as incompetent and cannot be proven against Judge Mason until it is first shown that it was by the direction or consent of Judge Mason. Objection overruled.)

A. Just before the polls were closed Mr. Cushman and Hollingsworth came up to the polls. Mr. Hollingsworth offered his vote, and I challenged it. Mr. Hollingsworth took the preliminary oath, and was asked the regular questions, and then took the general oath, and his vote was taken by the inspectors. He voted for member of Congress as well as others.

7. Q. What ticket did he vote ?—A. What appeared to be a Republican ticket.

(Objected to the answer as incompetent, and that if the witness has any knowledge how the elector voted, not to form an inference or testify to appearances. Motion denied.)

8. Q. And did the ticket for member of Congress appear to be the size and form of the Republican ticket ?—A. It was.

(Objection same as above.)

9. Q. State what occurred over Hollingsworth when he attempted to vote.—A. When he was challenged, he hesitated.

10. Q. What then occurred then and there ?—A. Mr. Cushman urged him, and he voted.



11. Q. Afterwards, did you have any conversation with Hollingsworth in regard to his voting?—A. I did.

12. Q. Where was it?—A. On train coming from Utica.

13. Q. Was he arrested for illegal voting and taken before commissioner?

(Objected to as incompetent; 2d, that if he was arrested it is no evidence that he was not a voter. Objection overruled.)

A. Yes.

14. Q. Was he held for trial?

(Objection same; overruled.)

A. He was.

15. Q. Were you present at his examination?—A. Yes.

16. Q. On your return home that day, did he state to you how he came to vote? If so, state what he said fully.

(Objected to, 1st, hearsay; 2d, what he said was in the absence of the contestee; improper, and immaterial. Objection overruled. Exception.)

A. He knew he was not a voter, but voted because Mr. Cushman induced him to vote.

17. Q. Was there anything said about money?

(Objection as above. Objection overruled. Exception.)

A. I heard him tell Kennedy that Mr. Cushman paid him \$1 for voting.

18. Q. Did he state how long he had been in county?—A. Can't state.

19. Q. Did he state where his wife was?

(Objected to; improper.)

A. Yes. Family in Binghamton.

20. Q. How long have you known Charles Kelloway?—A. Twenty years.

21. Q. Has he always been a Republican?—A. Yes.

22. Q. State all, if anything, that you heard him say before election about voting for Judge Mason.

(Objection same as like question put La Mott Smith. Objection overruled.)

A. I heard him say that he and the men who worked on Judge Mason's house had agreed not to vote him; and if Judge Mason had any sand he would have to come down with it.

23. Q. Anything else?—A. That was all.

24. Q. You may state whether it was rumored and generally understood on the day of election that money was being used in this village in the interest of Judge Mason and to procure votes for him.

(Objections, incompetent and hearsay; objection overruled.)

A. I heard several say at noon that money was being used for Mason's influence.

Cross-examination by J. E. SMITH:

25. Q. You are a member of the Democratic party?—A. Yes.

26. Q. Were you a Greenbacker?—A. No.

27. Q. Inasmuch as the Democratic party had ratified Duffy's nomination you supported him?—A. Yes.

28. Q. You were at the polls election day?—A. Yes.

29. Q. Did you see any money used at the polls for Mason?—A. No.

30. Q. Did you know of any money being used at the polls for Mr. Mason?—A. No.

31. Q. While going to dinner you heard men say that money was being used?—A. Yes.

32. Q. Were those men Democrats and Greenbackers?—A. Democrats and Greenbackers.

33. Q. Did they say that money was being used at the polls?—A. No.

34. Q. Did you see any money used at the polls or in the street for Judge Mason?—A. No.

35. Q. Were you in or around the streets during that day?—A. Yes.

36. Q. Was La Mott Smith one of those men who said it?—A. I think not; can't say.

37. Q. Was this conversation you had with Kelloway in the absence of Mason?—A. Yes.

38. Q. Who were these men on the street that told you money was being used?—A. I can't name all—Allen Enos.

39. Q. Was he a Democrat or Greenbacker?—A. Yes. Also John C. Kennedy a Democrat.

40. Q. Are those the only two you remember?—A. I think so.

41. Q. Were both of those gentlemen active supporters of Duffy?—A. Yes.

42. Q. Was that all that was said?—A. Yes.

43. Q. Did you know what men worked upon Mason's house?—A. Some of them, not all.

44. Q. Their names?—A. E. E. Welton, C. W. Stapleton, C. Kelloway.

45. Q. Mr. Kelloway said these men were not to vote for Mason?—A. Yes.

46. Q. Do you know how those men did vote?—A. No.

47. Q. Charles Kelloway at first was a Greenbacker?—A. I understood so.

48. Q. Did he finally support the Republican ticket as you are informed?—A. Yes.

49. Q. Do you understand he has been a Republican ever since election?—A. Don't know.

50. Q. Do you know that he has not?—A. Don't know.

51. Q. At the time when he told you he should not support Mason, he was advocating Greenback principles?—A. At that time.

52. Q. Did Mr. Duffy address the citizens of Hamilton upon finance?—A. Yes.

53. Q. Did Kelloway attend that meeting?—A. Don't know.

54. Q. Will you say that Kelloway did not attend the meeting?—A. Will not.

55. Q. Will you swear that you ever heard Mr. Kelloway say after he attended Duffy's meeting he would not vote for Mason?—A. Will not.

56. Q. Have you any knowledge that Mason came down with any sand to Kelloway?—A. No.

57. Q. This conversation you had with Hollingsworth, was it in the absence of Cushman and Mason?—A. It was.

58. Q. Did he say that since election he had ascertained he was not a voter?—A. No, sir.

59. Q. You understood him to say he was not a voter?—A. Yes.

60. Q. Did he say when he ascertained the fact he was not a legal voter?—A. No.

61. Q. Did he say that Mr. Cushman advised him that he was a voter?—A. I can't say.

62. Q. Was there some discussion at the polls as to whether Hollingsworth was a legal voter?—A. There was.

63. Q. Was that discussion entered into by others than Watts Cushman?—A. Yes.

64. Q. At the polls did some maintain that Hollingsworth was a legal voter?—A. Yes.

65. Q. Was the question in dispute as to the time he had lived in the county?—A. Yes.

66. Q. Did Mr. Cushman say that he had been in the county four months?—A. Don't know.

67. Q. Were you one of the inspectors?—A. Yes.

68. Q. After the discussion, and after you heard what was said, *pro* and *con*, about his being a voter, and after he had answered the questions propounded by the board, did you take his vote?—A. Yes.

69. Q. Do you know for whom Hollingsworth voted for Representative in Congress?—A. No.

70. Q. Did you hear Mr. Hollingsworth tell Kennedy that Cushman paid him \$1 after election?—A. Yes.

71. Q. Was that just what he said?—A. As near as I can state it.

72. Q. Have you any knowledge as to whether Cushman owed him \$1, or for what he paid him?—A. I have none.

73. Q. Did you vote the Congressional ticket at the last election?—A. I did.

74. Q. For whom did you vote?—A. Duffy.

75. Q. At the time Hollingsworth voted, did he claim he had been in Madison County four months?—A. He did.

76. Q. Have you not been informed that Hollingsworth has not been indicted by the United States grand jury?—A. No, sir; understood he was not.

Redirect by S. D. WHITE:

77. Q. What did Hollingsworth say the money Cushman paid was for?

(Objection, already examined and hearsay and incompetent. Objection overruled.)

78. Q. State what was said between Hollingsworth and Kennedy.—A. I did not hear all conversation. Kennedy accused him of selling his vote, and asked him what he got for it. He said, one dollar after election. After that Kennedy said, I wish you had my head on you, I'd make it hot for them.

79. Q. Did you hear others state that money was being used?—A. Yes.

80. Q. Did you hear Edward Welton say anything about money being used?—A. I did not.

81. Q. What did these men say about money being used?—A. They said Austin Tibbets was using money.

82. Q. Do you know who were the witnesses subpoenaed against Hollingsworth?—A. Yes.

83. Q. Do you know who were the witnesses subpoenaed before the commissioner?—A. No.

84. Q. Did Hollingsworth say to you that he knew he was not a legal voter, and should not have voted except for Cushman?—A. Yes.

Recross-examined:

85. Q. This conversation you heard between Hollingsworth and Kennedy. Hollingsworth said the \$1 was paid him after election?—A. Yes.

86. Q. Did he say that Cushman induced or advised him to vote?—A. Induced him to vote.

87. Q. He did not say that at the polls, or before election, Cushman offered or agreed to give him any money?—A. No, sir.

88. Q. Did he say, when Cushman paid him the \$1, how long after election?—A. No, sir.

89. Q. Did you see Austin Tibbitts at the polls on election day ?—A. Yes.

90. Q. Was he actively engaged peddling votes ?—A. Yes; all day long.

91. Q. Did you see him use any money, or anything to indicate that he was using money ?—A. No, sir.

92. Q. Can you swear Mason was at the polls when Hollingsworth offered his vote and voted ?—A. Not sure; think he was.

Redirect:

93. Q. Do you know one John Hopkins, living upon the hill? Did you see him a day or two before election? What did he say in relation to Duffy after the meeting; he liked his speech, and should vote for him?—A. Yes.

94. Q. Who did he vote for?—A. He voted for Republican Representative, and balance Democratic.

95. Q. Who came with him to the polls?—A. Mr. Wellington, Mr. Mason's law partner.

Recross:

96. Q. How long before election did he tell you he should vote for Duffy?—A. Saturday eve before.

97. Q. A good man and a friend of Mason and Wellington?—A. Yes, I suppose so.

98. Q. How far from the village does he live?—A. One and a half or two miles.

Redirect:

99. Q. After he (Hollingsworth) took the general oath, did you understand that you were obliged to receive his vote?

(Objected to, incompetent. Objection overruled.)

A. I understand the board are to receive a vote after it is sworn in.

100. Q. You said you were not certain, but thought Mason was present when Hollingsworth voted. Do you remember of his being there a few moments after he voted?—A. I do.

The further examination of this witness suspended until D. C. Mott can be examined as a witness.

D. C. MOTT, a witness produced and sworn on behalf of the contestant, Sebastian Duffy, testifies as follows:

Direct examination by S. D. WHITE:

1. Question. Are you now a resident, and how long have you been, of Hamilton?—Answer. Yes; about 13 years.

2. Q. Do you know this Levi Hollingsworth, spoken of by other witness?—A. I do.

3. Q. Your politics?—A. Democratic.

4. Q. You been a member of Democratic county committee?—A. Yes.

5. Q. Did you vote for Duffy?—A. Yes.

6. Q. Did you have a conversation with Hollingsworth before election?—A. I did.

7. Q. He is a colored barber, is he?—A. Yes.

8. Q. How long before election was this conversation?—A. Saturday preceding.

9. Q. What was the object of this conversation?—A. I was appointed a committee to revise the poll-list.

10. Q. What conversation did you have with him?

(Objections, 1st. The question calls for answer in absence of a third party and Mr. Mason. Objection overruled.)

A. I asked him if he was a voter here. He replied he did not know.

(Contestee further objects that contestant cannot prove that the colored man was a voter. Objection overruled.)

A. I asked him when he came here, and he replied, some time in August. I told him he was not a voter, then; he must be in the county four months.

11. Q. Were you present when he voted?—A. I was. Did not remember of seeing Mason there.

12. Q. You may state what occurred when he voted.—A. As he offered his vote I attempted to repeat this conversation I had with him. The chairman of the board objected to my repeating it. E. E. Welton was chairman, a Republican.

13. Q. What did Watts Cushman do when he voted?—A. He stood by.

14. Q. Did he not put his hand on his shoulder and tell him to swear it in?—A. I can't say that he did.

Cross-examined by J. E. SMITH:

15. Q. Where is this man Hollingsworth now?—A. Here in the village.

16. Q. You understood him to say he came to Hamilton village last August?—A. Yes, sir.

17. Q. At the time when he offered his vote there were several about the polls engaged in conversation?—A. Yes, sir.

18. Q. When you commenced to repeat your prior conversation with Hollingsworth Mr. Welton requested you to keep still?—A. Yes, sir.

19. Q. Did Mr. Welton say he wanted to hear what was said?—A. Will not swear positively that did.

20. Q. Was that about the time Hollingsworth was being interrogated about his being a voter?—A. When the oath was about to be administered.

21. Q. Who administered the oath?—A. Can't tell.

22. Q. Do you not know that it was E. E. Welton, chairman of the board?—A. I do not.

23. Q. Will you swear that it was not?—A. I will not.

Q. Were there several standing about there besides Watts Cushman?—A. Yes, sir.

Redirect:

24. Q. Did you understand what Mr. Welton said to be a command or a request?—A. A command.

Recross:

25. Q. Mr. Welton did not command you how to vote?—A. No.

26. Q. You voted straight Democratic and Greenback ticket?—A. Yes, sir.

27. Q. Do you remember the exact words Welton used?—A. I do not.

28. Q. Did he not ask you to keep still?—A. No.

29. Q. Did he say anything upon that subject?—A. Yes.

30. Q. Have you once sworn, a few moments ago, that Mr. Welton requested you to keep still?—A. Yes, sir.

31. Q. Was that true?—A. Yes, sir.

32. Q. Is that what you mean by command?—A. Yes, sir.

DAVID C. MOTT.

Subscribed and sworn to February 20, 1879.

S. E. SCRANTON, JR., *Notary Public.*

*Deposition of George Beal—continued.*

101. Q. What, if anything, did he say on the subject of Hollingsworth's vote? Tell all he said.—A. He spoke of him as that voter Watts Cushman made so quick.

102. Did he smile as he said it?—A. He did.

Recross:

103. Q. Was Mr. Hollingsworth the last elector who voted, and were the polls closed immediately after he voted?—A. Yes, sir.

104. Q. Will you swear that Judge Mason did not leave the polls and go to his house a half hour before Hollingsworth voted?—A. Will not swear so.

105. Q. Have you any recollection of seeing Mason at the polls when Hollingsworth voted?—A. I have not.

106. Q. Will you swear that Mason was not absent from the polls when Hollingsworth voted and at the time the polls were closed, and that he did not return to the polls until some time after the board began to canvass the votes?—A. Will not swear that he was not absent at the time that Hollingsworth voted and polls closed; I can't answer the question altogether.

107. Q. Will you swear that when Mason returned to the polls the board were not canvassing the votes?—A. They were preparing to canvass when he returned, and I remember of his being there then.

108. Q. Do you remember distinctly of seeing him when the board were preparing to canvass?—A. I do.

109. Q. And you do not remember of seeing him when Hollingsworth voted?—A. I do not.

110. Q. When Mason returned something was said about this elector, Hollingsworth?—A. Something was said around the board.

111. Q. Do you remember the words used by Mason?—A. I do.

112. Q. Who did he speak to?—A. Those who were sitting around the canvassing table.

113. Q. Do you know whether any one else spoke to Mason first about Hollingsworth?—A. I do not.

114. Q. Who was present at that time?—A. Can't give all.

115. Q. Give what you can.—A. E. E. Welton, J. C. Waldron, C. W. Stapleton, Thomas Beal, E. D. Van Slyck.

116. Q. Did those gentlemen sit around the table near Mason?—A. They were at the table.

117. Q. When did you first tell Counsel White of that remark Mason made?—A. I don't know when.

118. Q. Have you any recollection of ever telling him of that?—A. I think I have.

119. Q. Don't you know?—A. I have told him.

120. Q. When?—A. To-day.

121. Q. What time to-day?—A. This evening.

122. Q. Where?—A. On street.

123. Q. After your examination before tea, and after he was informed your examination was closed?—A. Was not informed that my examination was closed.

124. Q. When we adjourned for tea did you not understand we were through examining you?—A. I supposed so.

125. Q. Did you want an opportunity to give that remark of Mason's here as a witness?—A. I did not.

126. Q. Why, then, did you tell Mr. White, the counsel?—A. I was speaking of the question if I knew Mason was at the polls when Hol-

lingsworth voted, and I said I remembered his speaking in that way shortly after H. voted.

127. Q. Do you remember any other remark from other gentlemen?—A. I do not.

128. Q. Don't you know, as a fact, that Mason did not know Hollingsworth voted until he was arrested?—A. I do not.

129. Q. Will you swear that he did know that Hollingsworth voted?—A. I cannot.

130. Q. These gentlemen you have mentioned, were they as near Mason when he made the remark as you?—A. Yes, some of them.

131. Q. Who?—A. Welton Waldron and Van Slyck.

132. Q. Was Mason standing or sitting?—A. I think he was sitting.

133. Q. What part of the table was he sitting at, if at all?—A. In front of table or nearly so, near west end.

134. Q. If sitting, who was at his side?—A. I think Van Slyck on right, cannot tell who on left.

135. Q. When did you see Mason sitting there at the table?—A. While we were canvassing the votes.

136. Q. Can you tell at what part of the canvass he was sitting there?—A. During early part of canvass.

137. Q. Still you cannot tell whether he was standing or sitting when he made this remark?—A. I cannot.

138. Q. Have you ever told any person of that remark before?—A. A. I think I told White.

139. Q. When or where?—A. Cannot tell.

140. Q. Do you not know that is not true and that Mason did not make that remark?—A. I do not.

141. Q. You think he made it?—A. I know he made it.

142. Q. Did the other gentlemen talk and make remarks?—A. They did.

143. Q. Can you tell anything that either of the gentlemen said at or about the time Mason made the remark?—A. I cannot.

144. Q. What were you doing?—A. Counting votes.

145. Q. Was you paying attention to what these gentlemen said?—A. Some.

146. Q. Why can you not remember something that the other gentlemen said as well as this remark?—A. I wondered that Mason spoke of it so.

147. Q. Did you say anything upon that subject at the time?—A. I don't remember.

148. Q. May not the remark have been made by one of the other gentlemen?—A. It was not.

Redirect:

149. Q. You have been asked about Mason's going to his house or away from the polls. Have you any recollection of seeing him leave the polls about the time Hollingsworth voted?—A. I have not.

GEORGE BEAL.

Sworn and subscribed to February 20, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

*Deposition of Thaddeus Leonard.*

FEBRUARY 20, 1879.

THADDEUS LEONARD, a witness produced and sworn, testifies as follows:

## Direct examination:

1. Question. What is your age?—Answer. Thirty-three.
2. Q. What are your politics?—A. Democrat.
3. Q. Were you present at the last election?—A. Yes, sir.
4. Q. Did you peddle votes?—A. Yes.
5. Q. Were you present when Mr. Hollingsworth voted?—A. Yes, sir.
6. Q. Do you remember Mr. Cushman was there?—A. Yes.
7. Q. Was there a question raised there as to his right to vote?—A. Yes.
8. Q. Do you remember of Cushman's telling him to swear it in?—A. I heard him tell him to put it in, and slapped him on shoulder.
9. Q. Did he say anything at the time that he would defend or protect him?—A. Yes.
9. Q. Do you know or did you hear of Hollingsworth's arrest?—A. Yes.
10. Q. After his arrest and after his return to Hamilton, did you hear and participate and have a conversation with him?—A. Yes.
11. Q. Who were present?—A. W. K. Lippitt, chairman Democratic committee, S. D. White.
12. Q. Where was it?—A. In your office.
13. Q. State that conversation.  
(Objected to as incompetent and proving declaration of third party in absence of Mr. Mason, and hearsay. Objection overruled. Exceptions.)
- A. Said he had been in county less than three months; said he wouldn't have voted if it had not been for Cushman; said Cushman gave him a dollar for voting; said his family was in Binghamton; said he was in the habit of sending her \$2 per week, but did not know what she would do if they shut him up; said he told Cushman he had not been in county three months; said Cushman told him he was a voter.
14. Q. Now, on the day of election was it generally talked and understood that money was being used and to secure his election?  
(Objected to. Cannot prove that money was so used by proving that it was so rumored, and hearsay evidence. Objection overruled.)
- A. It was rumored that day some.
15. Q. Do you know Mr. E. B. Mott?—A. I do.
16. Q. What has been his politics?—A. Democrat.
17. Q. Did he work specially for Mason?—A. He did.
18. Q. Did he have an interview with one Michael Brogan on day of election?—A. Yes.

## Cross-examined:

19. Q. Did you hear the examination of Hollingsworth before the board?—A. No, sir.
20. Q. Was it after he had been examined and sworn that Cushman told him to vote?—A. Before.
21. Q. Did you hear what he said there as to the length of time he had been in the county?—A. Did not.
22. Q. Who took him into White's office or went with him?—A. I did.
23. Q. Who requested you to take him there?—A. Can't tell without telling whole story.



24. Q. Had you talked with White about taking him up to White's office?—A. Yes, to White and Lippitt.

25. Q. Was it agreed you was to get him to come to White's office?—A. No.

26. Q. Was it talked that you was to get him into White's office?—A. Yes.

27. Q. Who asked him the questions?—A. White, Lippitt, and myself.

28. Q. How long after before he was arrested?—A. I was not aware he was arrested after.

29. Q. Was he arrested prior to this?—A. I think so.

30. Q. And had given bail as spoken of?—A. So said.

31. Q. And still you swear that he told me he was not a voter?—A. Yes.

32. Q. Did you have anything to do with his arrest?—A. No.

33. Q. Who made the complaint against him?—A. Don't know.

34. Q. Did you have anything to do with it?—A. No.

35. Q. Did he say he had talked with Cushman about being a voter?—A. Yes.

36. Q. Did he say Cushman advised him he was a voter?—A. Yes.

37. Q. Mr. Cushman is a young man and a law student?—A. Yes.

38. Q. Where does he live?—A. Hamilton.

39. Q. He is a reputable young man?—A. Yes.

40. Q. Hasn't he always been regarded as a reputable young man?—A. Yes.

41. Q. Of a respectable family?—A. Yes.

42. Q. Now, sir, you have ascertained, by what Hollingsworth told you, that Cushman was wrong as to the election laws?—A. I didn't.

43. Q. Did he say that Cushman told him to vote?—A. Yes, and that he was a voter.

44. Q. Have you ascertained that Cushman was wrong by what Hollingsworth told you?—A. He has.

45. Q. Have you ever talked with Cushman about it?—A. Mentioned it.

46. Q. Did you not know that Hollingsworth swore before the board that he had been in the county four months?—A. Yes.

47. Q. Have you any knowledge that Hollingsworth did not tell Cushman he had been in the county four months?—A. No, except what he heard from Hollingsworth.

48. Q. Since your interview with Hollingsworth in White's office have you learned that the prosecution against Hollingsworth has stopped?—A. Yes.

49. Q. That interview was after his arrest and he had given bail?—A. Yes.

50. Q. When did he say Cushman gave him the \$1?—A. I think after election.

51. Q. And at the time of election and since?—A. Yes.

52. Q. Do you know whether Cushman was indebted to Hollingsworth?—A. I do not.

53. Q. You was present when he voted?—A. Yes.

54. Q. Who did you hear say on election day that money was being used?—A. No one in particular.

55. Q. Can you name any person?—A. Don't know as I can.

56. Q. Who is E. B. Mott?—A. Piano-dealer.

57. Q. Lived in Hamilton how long?—A. Lifetime.

58. Q. Been acquainted with Mason a number of years?—A. Yes.

59. Q. Mr. Mott not a Greenbacker?—A. No.

Adjourned to 9 a. m. February 21, 1879.

FEBRUARY 21, 1879.

It was here agreed that the contestant may have Monday, Tuesday, and Wednesday of next week in which to complete his testimony in Madison County, due and sufficient notice being deemed served; and, by consent, the further hearing of evidence is adjourned to Monday next at 9 a. m.

APRIL 1, 1879.

Contestee's counsel hereby consents that Thaddens Leonard, who was examined in behalf of contestant February 20, 1879, and whose attendance for further cross-examination by contestee was promised by contestant, be now recalled by contestant for further examination by the respective parties, and contestee grants from his time to contestant a reasonable length of time in which to conclude the examination of Witness Leonard.

Examination of THADDEUS LEONARD, a witness sworn February 20, 1879.

Cross-examination :

60. Q. What has been your politics since you became a voter ?—A. A Democrat most of the time.

61. Q. When did you last become a Democrat ?—A. Six or eight years ago.

62. Q. Did you vote for Horace Greeley for President ?—A. I think I did.

63. Q. Why do you think you did ; don't you know ?—A. I did vote for him.

64. Q. Did you vote the Democratic ticket on each and every year since then ?—A. Yes, sir.

65. Q. And did you work also for the advancement of that ticket ?—A. I have worked on election-day or something of that kind.

66. Q. Have you not given your influence to that ticket and advocated the support of the Democratic ticket on other days than the day of election ?—A. Yes.

67. Q. And for how many years have you toiled for the Democratic ticket ?—A. Since Greeley times ; and I think I voted it once before.

68. Q. Have you at any time paid out or received money for election purposes ?—A. I never paid out a dollar in my life for election purposes.

69. Q. How with reference to your having received money for election purposes ?—A. Yes.

70. Q. Did you receive \$3 last fall from Mr. Lippitt for services rendered on election-day ?—A. I received \$3.

71. Q. Where did Mr. Lippitt pay you that \$3, and when ?—A. I think it was election morning.

72. Q. And did you also know of other persons to whom Mr. Lippitt paid \$3 or any other sum ?—A. No, sir.

73. Q. Have you not heard Mr. Lippitt say that he paid money to other persons on election-day ?—A. I think I have heard him say so.

74. Q. You may state what you have heard him say.—A. I heard him say he paid men for poll-drivers to get out the vote, but not to whom, as I remember.

75. Q. Did you hear Mr. Lippitt also say that Mr. Duffy, the contestant, had paid him the sum of \$100 to be used for political purposes ?—A. I don't know as I ever heard Lippitt say so.

76. Q. Do you not understand that to be the fact ?—A. I have heard it rumored. I never asked Lippitt, and he never said anything to me.

77. Q. Do you know where Lippitt obtained the money with which he paid these poll-drivers?—A. I do not.

78. Q. Do you know John Kennedy?—A. I do.

79. Q. Did he act as poll-driver in the interest of Mr. Duffy?—A. He did.

80. Q. Do you know Charles Wilcox?—A. I do.

81. Q. Did he act as a poll-driver in the interest of Mr. Duffy?—A. No, sir; I think he was driving the other way.

82. Q. Do you know J. E. Wedge?—A. I do.

83. Q. Was he a poll-driver acting in the interest of Mr. Duffy?—A. He was.

84. Q. Did you ever have any conversation with Wedge as to how much he received?—A. No.

85. Q. Did you ever have any conversation with Kennedy as to what he received?—A. No, sir.

86. Q. Did you ever have any conversation with Wilcox as to what he received?—A. No, sir.

87. Q. How came you to receive any money for your services on that day?—A. I furnished wagon and horse to get out voters.

88. Q. Did you not receive the \$3 for your day's service at the polls?—A. No, sir.

89. Q. Have you spoken with Mr. Lippitt on the subject of the money that was paid to you at any time?—A. Yes, sir.

90. Q. When did you last talk with Lippitt the last time upon that subject?—A. A few days after election.

91. Q. Have you not spoken with him within a week?—A. No, sir; not in regard to money.

92. Q. Nor he to you?—A. No, sir.

93. Q. Did you receive money from any other source for your services on election day?—A. No, sir.

94. Q. What horse did you use on election day?—A. Used my own.

95. Q. Where did you go with it after voters?—A. Went to Rice Boon's, to John Lyons's, to Patrick McDonald's, on the hill or part way, and met him; went to Handen Babcock's, to Pat. McQuade's; went all around the village.

96. Q. Do you say, sir, that you drove your horse yourself on these trips?—A. A part of the time.

97. Q. Who drove when you did not?—A. Michael McQuade drove it some.

98. Q. I take it, then, that Michael McQuade is not an old man?—A. No, sir; he is a young man.

99. Q. Did you drive when any of these voters were brought in?—A. No, I did not.

100. Q. What were you doing?—A. I was at the polls most of the time.

101. Q. What were you doing there?—A. I was peddling votes.

102. Q. In the interest of Mr. Duffy?—A. Yes, sir.

103. Q. What kind of vehicle did you send out?—A. It was a one-horse platform wagon.

104. Q. Name all the persons that drove that horse that day, to your knowledge.—A. I think Lippitt drove it once, but I can't be positive; Michael McQuade also.

105. Q. Had McQuade been in your employ on the reservoir?—A. He had in the quarry.

106. Q. Then you had been engaged, I take it, upon public works of the State?—A. Yes, sir.

107. Q. And was McQuade still in the employ of the State under you?—A. Yes, sir.

108. Q. And did you pay him for a day's work on election as and for a day's work on State works?—A. No, sir. He worked half a day for State that day.

109. Q. You made up the pay-rolls, did you not, for the men in your employ?—A. I made up the time-book.

110. Q. Did you not credit McQuade with a full day's work on the time-book for election-day?—A. No, sir; only half a day, and that in forenoon.

111. Q. Then I take it that your horse was not seriously engaged in and about the election in the forenoon?—A. No, sir.

112. Q. What time did you commence operations with the horse?—A. Right after dinner.

113. Q. Name the first services rendered for the horse.—A. I think the first services, I drove to Lyons and he was not able to come down.

114. Q. How far did Lyons live from polling place?—A. About half a mile.

115. Q. Will you swear that that was before three o'clock?—A. I will swear it was before three o'clock that I went after him.

116. Q. Where did you go from Lyons?—A. Came back to village.

117. Q. Well, what next? What did you do with the horse when you came back?—A. I think next McQuade went to Rice Boon's.

118. Q. What time in the day was that?—A. From one to two o'clock.

119. Q. Will you swear it was not between three and four o'clock?—A. Yes.

120. Q. How far was that from the polls?—A. About half a mile.

121. Q. Did McQuade get the voter?—A. He told me he did not get him.

122. Q. He returned then to the village with horse?—A. Yes.

123. Q. And what work next did the horse do?—A. I can't tell; he went either to Babcock's or McQuade's or to McDonald's.

124. Q. How far does Babcock live from village?—A. About one mile and a quarter.

125. Q. How far did McQuade live from village?—A. About two miles in opposite direction.

126. Q. And how far does McDonald live from village?—A. About three miles.

127. Q. Did McQuade bring in any of those voters?—A. Yes; he brought in Lyons.

128. Q. Who else?—A. I think Pat McQuade. I think he got a McQuade at Babcock's also.

129. Q. These men were brought down, I suppose, to vote your ticket?—A. It was supposed they were agoing to vote that ticket.

130. Q. Where did you meet Lippitt on the morning of election?—A. I did not see Lippitt on the morning of election.

131. Q. You may state, if you please, at what place Lippitt paid you the money.—A. It was in his store.

132. Q. And who were present?—A. I don't know; three or four; can't name them.

133. Q. You may give the conversation between you and Lippitt at the time he paid you the money or just before.—A. Lippitt told me that we had got to have a horse to get out som evoters, and I told him I would hitch up my horse and use him. He said, "All right." That is all the conversation I remember of.

134. Q. There was not a word said in that conversation about money, was there?—A. Yes, sir.

135. Q. Why did you not state what was said about the money when I asked you to give the conversation?—A. Because I understood you to say not about the money.

136. Q. You may give the entire conversation now between you and Lippitt.—A. Lippitt told me, "We will have to have a horse to get out some of the voters." I told him that I would use mine. He said, "All right." Lippitt said this money should not be used when he gave it to me, to buy no votes nor anything of the kind, and I told him I should not use it for buying votes; I should use it for the horse.

137. Q. You meant by that, I suppose, that you should maintain the purity of the ballot-box by putting the money in your own pocket, did you not?—A. Yes; in substance.

138. Q. How came Lippitt to admonish you not to buy votes with that money?—A. I suppose he did not want any bought.

139. Q. Had you ever bought votes or used money to corrupt the election, and by such had you aroused in his mind an apprehension that you might do it again and on that occasion?—A. No, sir.

140. Q. Did not you regard it as a very singular admonition addressed to a foreman of the Chenango Canal?—A. No, sir.

141. Q. Now, sir, was not each and every man employed upon that canal under you as foreman given one-half day's time on election day, and did you not credit each of them with a full day's work performed upon the canal work?—A. No, sir.

142. Q. Do you know Peter Sexton?—A. I do.

143. Q. He was one of the employees under you?—A. Yes, sir.

144. Q. Did you not allow him one-half day?—A. No, sir.

145. Q. Then reward him for a full day?—A. No, sir.

146. Q. Was there any work performed upon the public works on election day, under your charge?—A. One-half day.

147. Q. All the men worked one-half day?—A. Yes, sir.

148. Q. And did you work with them?—A. Yes, sir.

149. Q. What time in the day did you quit work?—A. Noon; 12 o'clock m.

150. Q. Where did you then go; how far from the work?—A. Went home; three-quarters of a mile from work.

151. Q. I take it, you then got your dinner with your family?—A. Yes, sir.

152. Q. And after that you repaired to the polling-place?—A. Yes, sir.

153. Q. Did each and all of the men under your employ, so far as you know, come to the polls and meet you there?—A. Not half of them.

154. Q. Can you name one out of all the voters in your employ who live here in this election district, who did not vote?—A. Yes.

155. Q. You may name him.—A. George Reuben I did not see vote, or see him at polls.

156. Q. Will you swear that George Reuben did not vote?—A. Yes.

157. Q. What was his politics?—A. I don't know; or—

158. Q. Do you know that he is a voter?—A. No, sir.

159. Q. Then I will again ask you to name a single voter living in this district, under your employ, who did not vote?—A. I can't name any.

160. Q. Do you know whether Sebastian Duffy supplied Mr. Lippitt with any money, or have you at any time heard Mr. Lippitt say he received \$100 from Mr. Duffy?—A. I heard Mr. Lippitt say to-day that he received \$100 from Mr. Duffy.

161. Q. You have, then, been in consultation with Mr. Lippitt since you were sworn this forenoon?—A. Yes.

162. Q. How long after you left the stand before you were in consultation with Mr. Lippitt?—A. About thirty minutes.

163. Q. Did you go direct from this room to the store of Mr. Lippitt after the adjournment for dinner?—A. Yes, sir.

164. Q. Who was in Lippitt's store when you got there?—A. John E. Smith.

165. Q. Who accompanied you, if any one, when you went into the store?—A. No one; I went alone.

166. Q. This was the same Mr. Lippitt who paid you the \$3 for services on election day?—A. Yes; he is the man that paid me the \$3 for services of horse.

167. Q. Did you make the additions to the last question at the suggestion of Counselor White?—A. No. I swear now as I think I swore before—for services of horse.

168. Q. Do you swear now that Counselor White did not instruct you publicly in court with reference to your answer before you gave it?—A. He said I could dictate my own answer.

169. Q. Have you at any time heard Mr. Lippitt name any of those poll-drivers whom he had paid money for services in aid of Mr. Duffy on election day?—A. No. I heard Mr. Lippitt say he had paid money to poll-drivers, but did not understand that he said it was in aid of Mr. Duffy.

170. Q. Did you put on the latter part again at the suggestion of Counselor White?—A. No, sir.

171. Q. Before answering, did not Counselor White publicly suggest to you with reference to your answer?—A. I suppose he had reference to my dictating my own answer.

172. Q. You mean by that that you did dictate your own answer?—A. I answered it as it was.

173. Q. Did you dictate your own answer?—A. I answered it as it was.

174. Q. I ask, for the third time, did you dictate your own answer?—A. I could not have answered it any other way, because that is the way I heard it and understood it.

175. Q. Is that the only answer which you propose to make to my question?—A. I don't know of any other way I can answer it.

176. Q. Did you dictate your own answer?—A. You can call it what you're a mind to. I answered it as I heard it.

177. Q. You may answer, then, and state how you heard it.—A. I heard Mr. Lippitt say that he assessed Mr. Duffy \$100, at Eagle Hotel. I think Duffy paid it, but I did not understand Lippitt to say so.

178. Q. Where did you get the idea that Mr. Duffy had paid it?—A. I supposed that from the way Mr. Lippitt said he had assessed him that he had paid it.

179. Q. Did you not testify this forenoon that Mr. Lippitt had told you that he got money from Mr. Duffy?—A. No, sir; I did not.

180. Q. When did you first learn that Mr. Duffy had paid money to Mr. Lippitt?—A. To-day is the first I had learned anything from Mr. Lippitt.

181. Q. Do you say that you had not heard before that that Mr. Duffy had paid money, upon assessment, to Mr. Lippitt?—A. Yes, sir; I heard it rumored.

182. Q. When did you first hear it rumored?—A. Since this contest began.

183. Q. About what time?—A. When they were taking testimony at Eagle Hotel.

184. Q. You may mention the names of some of the poll-drivers whom Mr. Lippitt told you he had paid for services rendered on election day. (Objected to as immaterial. Objection overruled.)

A. Andrew Clark, LaMott Smith, John Kennedy, Charles Wilcox. I don't think of any more now.

185. Q. How much did he say that he paid Kennedy?—A. I think it was \$3.

186. Q. How much did he say he paid LaMott Smith for his day's work?—A. Three dollars, he said he paid him.

187. Q. How much did he say he paid Charles Wilcox?—A. I don't know; two or three dollars, I don't remember which.

188. Q. How much did he say he paid Andy Clark for his day's work?—A. That was two or three dollars.

189. Q. Did Mr. Lippitt say that he had employed these men to work at the polls on election day as poll-drivers?—A. I understood him so.

190. Q. Let me call your attention to Mr. J. E. Wedge. Was he not mentioned also by Mr. Lippitt as a poll-driver?—A. I do not remember of it.

191. Q. Will you say that Mr. Lippitt did not say in that conversation that J. E. Wedge was one of the persons whom he paid for services as a poll-driver?—A. I don't have any remembrance of J. E. Wedge being mentioned as a poll-driver.

192. Q. About how old a man was Rice Boon, for whom you went on election-day?—A. I should judge him to be sixty-five years old.

193. Q. What is his business?—A. A farmer.

194. Q. Spends most of his time at the hotel, does he not, in this village?—A. I never saw him there but very little, if any.

195. Q. Mr. Boon has a team of his own?—A. Yes, sir.

196. Q. What were you after him for then?—A. I wanted him to vote.

197. Q. No difficulty in the way of his coming and voting, was there?—A. Not that I know of. No, sir.

198. Q. He is an able-bodied man and able to come of his own accord if he wanted to?—A. Yes, sir.

199. Q. What did you understand his politics to be?—A. A Democrat.

200. Q. Patrick McDonald was also a Democrat, was he not?—A. Yes, sir.

201. Q. A man well-to-do in the world?—A. I think he is.

202. Q. Is he a farmer?—A. He is.

203. Q. Has he a team of his own?—A. Yes.

204. Q. Then you know of no impediment in the way of his coming to the polls of his own accord, if he desired to?—A. No, sir.

205. Q. Why were you after him?—A. We wanted to get out the vote, and he had not voted.

206. Q. Hamden Babcock and Patrick McQuade were also farmers, were they not?—A. Yes, sir.

207. Q. Did they have teams of their own, as you understand?—A. Yes, sir.

208. Q. You knew of no impediment in the way to prevent those gentlemen from coming to the polls and voting without assistance, of their own accord, if they desired to?—A. Patrick McQuade was sick.

209. Q. But he was a man of ample means, was he not?—A. I so understood it.

210. Q. If his health would permit of his coming and voting, he had conveniences of his own to bring him here?—A. Yes, sir.

Adjourned to 6.30 p. m.

Examination resumed at 6.30 p. m.

211. Q. Since adjourning at 5.30 p. m., have you been in S. D. White's office?—A. No, sir; I have not.

212. Q. Have you been in consultation with Mr. Duffy's counsel?—A. I have talked with him on the street.

213. Q. Have you talked with him in any building?—A. I was in W. K. Lippitt's store, and there was something said, I don't remember that it was addressed to him.

214. Q. Name the persons who met you at Lippitt's store during our last adjournment?—A. There was several persons there when I went in. There was no meeting of it. A. B. Rice, C. W. Underhill, S. E. Scranton, jr., were there. S. D. White came in for a minute and went out. W. K. Lippitt was there.

215. Q. You may state the conversation there.—A. I don't know as Mr. Lippitt said anything upon this subject.

216. Q. Was Mr. Lippitt present while you were giving your evidence before the adjournment to hear what you had testified to?—A. He was here. I don't know whether it was to hear what I testified to or not.

217. Q. Do you know of any other purpose which would bring him here at this time except to listen to the testimony?—A. I don't know what he was here for, unless it was for that.

218. Q. When you met him after the adjournment he did not assume to deny the entire truthfulness of what you had sworn to, I suppose?—A. No, sir; he did not deny it. There was nothing said about it.

219. Q. How long were you in his store?—A. Not over five minutes.

220. Q. You frequent his store very often, do you not?—A. Yes, sir.

221. Q. And you both belong to the same political party?—A. Yes, sir.

222. Q. And have for several years, have you not?—A. Yes, sir.

223. Q. Did you both Greeleyize at the same time?—A. I can't tell you about that.

224. Q. Do you now say, sir, that there was nothing said while you were in Mr. Lippitt's store with reference to any portion of the evidence relating to this contest or to anything relating to last fall's election between any persons there?—A. There was nothing said.

225. Q. You may now give the conversation between you and Counselor White relating to the same matter at any time since the adjournment.—A. We had no conversation about it whatever.

226. Q. I understand you to say that no allusions were made in any manner by either Mr. White or Mr. Lippitt to the evidence which you gave just before the adjournment?—A. I asked Lippitt a question; I don't remember exactly what it was; and he made no reply.

227. Q. How did you account for his not answering your question?—A. I don't know as he heard; he was busy.

228. Q. Do you know Charles Johnson?—A. I do.

229. Q. Has he at any time worked with you or under you while in the employ of the State?—A. No, sir.

230. Q. Did you see him on election day?—A. I did.

231. Q. Did you take him one side and talk with him?—A. I talked with him; did not take him one side.

232. Q. At the time you commenced talking to him did he have one of Judge Mason's votes, if you remember?—A. He did not have any votes that I saw.

233. Did he express a desire to vote for Judge Mason?—A. No, sir.

234. Q. Did you not say to him when referring to Judge Mason's vote, 'You must not vote that ticket,' or words to that effect?—A. No, sir.



235. Q. Were you indebted to him at the time?—A. I was.

336. Q. And you are insolvent, are you not?

(Objected to as immaterial.)

A. I guess if he had gone to work he could have collected his debt.

237. Q. Were you insolvent?—A. Yes. I won't swear that I was able to pay all my debts.

238. Q. Did you on the day of election not say to Charles Johnson, "You must not vote that ticket; if you do I will never pay you what I owe you," or that in substance?—A. No, sir; I never told him any such thing.

239. Q. Was one of the Kelloways, as well as three or four other persons, standing near you while talking with Johnson?—A. I don't remember who was near when I was talking with Johnson; don't know as anyone was.

240. Q. Do you know a man by the name of Steinberg?—A. I do.

241. Q. Did not you and W. K. Lippitt accompany that gentleman to the polls at the last election?—A. I did not.

242. Q. Where was you when Steinberg went to the polls?—A. I was here in the room.

243. Q. Who did accompany him to the polls?—A. I don't know; the first I saw of him he was at the polls.

244. Q. And who was there with him?—A. They were questioning his vote, and there was twenty or thirty there, Republicans and Democrats.

245. Q. Was W. K. Lippitt there?—A. Yes.

246. Q. Was the vote of Steinberg challenged?—A. I think it was; yes, sir.

247. Q. Do you know why it was not received?—A. They made him out not to be a voter here.

248. Q. Did you request him to swear in his vote?—A. No, sir; but I told him that if he was a voter to put it in; if not, not to do it.

249. Q. He had recently removed to this place, had he not?—A. That is what they said.

250. Q. Is not that what Steinberg said at the polls when challenged?—A. Yes; he said he had been living here so long in this election district. I don't know how long.

251. Q. Don't you remember that it was about eight or ten days that he had been a resident in this election district?—A. I don't remember the length of time he said.

252. Q. Did you and Mr. Lippitt take part in that conversation at the polls?—A. I don't know what Mr. Lippitt done. I only said what I have mentioned before.

253. Q. Don't you know that Mr. Lippitt advised Steinberg that he was a voter in this election district, but that the board of inspectors of election, after inquiry, decided that he had not been in the district long enough to entitle him to vote?—A. I don't know as Mr. Lippitt advised him to vote here at all. I heard the board say that he was not a voter here. He said his family were in Madison. The board said if he had a vote anywhere it must be there.

254. Q. Did you hear him say that his family were in Madison?—A. Yes.

255. Q. Did you know that Lippitt went to the livery stable to hire a team, with a view to sending Steinberg to the town of Madison to vote?—A. Yes, sir; after he became satisfied that he was a voter there.

256. Q. How do you know that he had become satisfied of that fact?—A. He did not tell me how he was satisfied. He told me it was because his family lived in Madison.

257. Q. Do you know where Lippitt obtained the money with which he defrayed the expenses of this man in sending him to Madison?—A. No, sir.

258. Q. You understand that he went to Madison and voted, do you?—A. I don't know whether he voted or not.

259. Q. You understand that Mr. Lippitt sent him there with that intention?—A. Yes; he sent him up on the train.

260. Now, do you not know or have you not heard that Mr. Lippitt also defrayed his expenses back to the village of Hamilton?—A. No, sir.

261. Q. I take it that Steinberg is a Democrat; am I correct, and that he was about to vote for Mr. Duffy?—A. I don't know, sir, anything about his politics; I am very little acquainted with him.

262. Q. Did you not understand at the time that he intended to vote for Sabastian Duffy?—A. I supposed he was going to vote the Democratic ticket, but I had no knowledge.

263. Q. Now, do you know a gentleman by the name of Leonard White?—A. I do.

264. Q. How far does he live from the village of Hamilton?—A. About a mile and a quarter.

265. Q. Is he a strong, healthy man of about thirty years of age, to all appearances?—A. Yes.

266. Q. He resides in the town of Hamilton, but was on that day in the town of Madison, as you understood?—A. I don't know as I know where he was that day; I have no recollection now.

267. Q. Did you not go in pursuit of Mr. White on election day, and to a cider-mill in the town of Madison?—A. No, sir.

268. Q. Did you not do so in the forenoon of the election day?—A. No, sir.

269. Q. Do you know Arthur J. Smith?—A. Yes, sir.

270. Q. He keeps a coal yard, does he not?—A. Yes.

271. Q. Did you forget yourself and repeatedly take coal from his yard without his knowledge or permission?—A. I will answer the question if I can make my explanation at the same time.

(Contestee's counsel, while not desiring to deprive the witness of any explanation which he may desire to give, objects to the explanation at this time and demands an answer to his question. Objections overruled.)

A. No, sir. Never took any without his knowledge that I know of. I lived up-stairs here in the brick block of Mrs. Hobbs. There was no storage room for coal. I had worked for Mr. Joseph D. Avery, the man that Smith bought of, and I had got my coal by the scuttle, burning one stove. Never got any only in the day time, and when Smith took possession I continued to do so. I marked the scuttles as I took them, on a paper. Smith sent me a letter one day; wanted me to come and settle. I paid him for just what scuttles I had taken, and that was all there was of it.

272. Q. How much did you pay him?—A. Five dollars I think it amounted to.

273. Q. Is that all that you paid him?—A. That is all, sir.

274. Q. Did he not charge you with having stolen the coal?—A. He never accused me of it in the world. When I received the letter I did not go direct. I was away from home a day or two. When I came home I heard this rumor about this coal stealing. I went and saw Smith; he denied of ever saying so. I paid him for the scuttles of coal as I have stated before, and that was all of that.

275. Q. Were you not away those few days because you apprehended

24. Q. Had you talked with White about taking him up to White's office?—A. Yes, to White and Lippitt.

25. Q. Was it agreed you was to get him to come to White's office?—A. No.

26. Q. Was it talked that you was to get him into White's office?—A. Yes.

27. Q. Who asked him the questions?—A. White, Lippitt, and myself.

28. Q. How long after before he was arrested?—A. I was not aware he was arrested after.

29. Q. Was he arrested prior to this?—A. I think so.

30. Q. And had given bail as spoken of?—A. So said.

31. Q. And still you swear that he told me he was not a voter?—A. Yes.

32. Q. Did you have anything to do with his arrest?—A. No.

33. Q. Who made the complaint against him?—A. Don't know.

34. Q. Did you have anything to do with it?—A. No.

35. Q. Did he say he had talked with Cushman about being a voter?—A. Yes.

36. Q. Did he say Cushman advised him he was a voter?—A. Yes.

37. Q. Mr. Cushman is a young man and a law student?—A. Yes.

38. Q. Where does he live?—A. Hamilton.

39. Q. He is a reputable young man?—A. Yes.

40. Q. Hasn't he always been regarded as a reputable young man?—A. Yes.

41. Q. Of a respectable family?—A. Yes.

42. Q. Now, sir, you have ascertained, by what Hollingsworth told you, that Cushman was wrong as to the election laws?—A. I didn't.

43. Q. Did he say that Cushman told him to vote?—A. Yes, and that he was a voter.

44. Q. Have you ascertained that Cushman was wrong by what Hollingsworth told you?—A. He has.

45. Q. Have you ever talked with Cushman about it?—A. Mentioned it.

46. Q. Did you not know that Hollingsworth swore before the board that he had been in the county four months?—A. Yes.

47. Q. Have you any knowledge that Hollingsworth did not tell Cushman he had been in the county four months?—A. No, except what he heard from Hollingsworth.

48. Q. Since your interview with Hollingsworth in White's office have you learned that the prosecution against Hollingsworth has stopped?—A. Yes.

49. Q. That interview was after his arrest and he had given bail?—A. Yes.

50. Q. When did he say Cushman gave him the \$1?—A. I think after election.

51. Q. And at the time of election and since?—A. Yes.

52. Q. Do you know whether Cushman was indebted to Hollingsworth?—A. I do not.

53. Q. You was present when he voted?—A. Yes.

54. Q. Who did you hear say on election day that money was being used?—A. No one in particular.

55. Q. Can you name any person?—A. Don't know as I can.

56. Q. Who is E. B. Mott?—A. Piano-dealer.

57. Q. Lived in Hamilton how long?—A. Lifetime.

58. Q. Been acquainted with Mason a number of years?—A. Yes.

59. Q. Mr. Mott not a Greenbacker?—A. No.

Adjourned to 9 a. m. February 21, 1879.

297. Q. Did Counselor White suggest the answer of my question?—  
A. He suggested the use of last part of sentence.

298. Q. What was your object in getting that colored man into Mr. White's office?—A. We wanted to have an interview with him.

299. Q. Who do you mean by the term we?—A. White, Lippitt, and myself.

300. Q. Who first suggested the idea of getting that negro in there?—  
A. I don't know whether it was White or Lippitt, or both of them.

301. Q. What did you want to interview that poor boy for? What gain did you expect by having him interviewed by such a trinity as you, White, and Lippitt?—A. Well, we wanted to see how Hollingsworth felt about it.

302. Q. And did you feel of him when you got him in there?—A. We talked with him.

303. Q. Who commenced the conversation?—A. I can't say positively who it was.

304. Q. Had you any other object than to ascertain how that colored man felt about it?—A. I had no other.

305. Q. Do you know whether White or Lippitt had any other?—A. I don't know.

306. Did you ascertain how the negro felt about it? If so, you may state.—A. He felt bad.

307. Did he shed tears?—A. I cannot swear; I don't know.

308. Q. Did Counselor White expound the law to Hollingsworth?—  
A. I don't know as he did; I did not hear him.

309. Q. Did Counselor White, in your presence, bestow a gift upon that poor boy?—A. I think White did give him twenty-five or fifty cents.

310. Q. Did you make him any promises or any gift?—A. No, sir.

311. Q. Did Lippitt open his heart and give him anything or agree to give him anything?—A. No, sir.

312. Q. Did you hear anything about a pair of boots there?—A. No, sir; I did not hear anything about boots.

313. Q. I assume, then, that you did not stay there until the question of the boots came up. Am I correct?—A. Hollingsworth went away before I did.

314. Q. Do you know what that eminent author, Ram on Facts, has said with reference to such transactions: "Where unsuspecting parties, and especially those weak in intellect, are inveigled into the presence of designing persons whose object and aim it is to manufacture evidence by confession wrung from the unsuspecting?"

(In behalf of the contestee I object, on the ground that the question was put not to aid his case, for such foolish questions are put not for the purpose of aiding his case, but simply to show the hearers either how smart the man who puts them is, or else how silly it is possible for a man to be.)

A. No.

Redirect examination:

315. Q. Do you know what the Oswego Palladium says of the wily Lamoree?

(Objected to.)

(Question withdrawn.)

316. Q. You have been asked as to what J. Eugene Wedge has said and done. Have you heard it claimed upon this investigation by contestee or his counsel that Mr. Mason was at tea or was not present when the negro Hollingsworth voted?

(Objected to so far as the first part of this question. The same is not founded in fact.)

A. I have heard it said; I don't know who by.

317. Q. Have you heard Mr. Eugene Wedge say that Mason was present when Hollingsworth voted, and that he stood within 4 feet of him when he voted?

(Objected to as being hearsay, immaterial, and incompetent; that the sayings of Eugene Wedge, when not under oath and no opportunity for cross-examination or impeachment, cannot be evidence in this case. If contestee desires to avail himself of any fact within the knowledge of Mr. Wedge he should call that gentleman, and not undertake to show it in this way. Objection sustained. Scranton dissents.)

A. I heard him say he was within 4 or 5 feet of Mason when Hollingsworth voted.

Adjourned until 9 a. m., Wednesday morning, April 2, 1879.

Examination of LEONARD resumed at 9 a. m.

318. Q. Do you know Watts Cushman?—A. I do.

319. Q. You have been asked as to what Mr. Lippitt has told you. Did you understand that Mr. Lippitt was the chairman of the Democratic county committee?—A. Yes, sir.

320. Q. And that the \$100 which he——you understood from Sebastian Duffy was an assessment which he made in behalf of such committee?—A. Yes, sir.

321. Q. It has been proved that you and Mr. Lippitt were once members of the Republican party. Now, when Mr. Lippitt gave you instructions not to use the money improperly, do you know whether he thought or not that such advice was necessary, because he knew that you and he had been brought up in that school of politics, which school had taught as one of its first lessons that the corrupt use of money was the principal element to success?—A. No; I don't know what Lippitt thought.

322. Q. Questions have been asked as to what Mr. Lippitt has said. Do you understand that Mr. Lippitt and one Edward B. Mott are intimate friends?—A. Yes.

323. Q. And has Mr. Mott always been a Democrat?—A. Yes.

324. Q. And did he work with great zeal for Mr. Mason on the day of election?—A. Yes; he worked for him on election day.

325. Q. And have you heard Mr. Lippitt say, in words or in substance, that when Mott was asked by him how much he paid for Michael Brogan's vote that Mott replied "Two dollars, and I have got in 19 more"?

(Objected to. Question is leading; was all gone over by this witness February 20, in questions 14, 15, 16, 17, and 18, the last questions propounded the witness before his cross-examination on that day commenced. Also that the evidence is hearsay. Witness should not be permitted to contradict his own evidence or himself—February 20. That nothing said between witness and Lippitt, both being hostile to Mr. Mason, and actively engaged in the matter of this contest from the time they were in White's office with Hollingsworth to the present time. Counselor White should not be permitted to manufacture evidence out of court by setting his two lieutenants to talking with each other, and then be permitted to spread that conversation on this record as evidence in favor of Sebastian Duffy, his client. And further, if the sayings of Lippitt are to be given as against Judge Mason, Mr. Lippitt should be produced and sworn, and those statements be taken under oath, where

a proper cross-examination can be had as to the truthfulness thereof. Further, said Lippitt now being in court, though hostile, and no notice having been served, if contestant desires to have spread upon the record the sworn facts within Mr. Lippitt's knowledge, contestee will grant now and here a portion of his own time to contestant as he did in the case of Leonard, for the proper examination of the said Lippitt, relying upon the cross-examination of said Lippitt, as in the case of said Leonard, for the development of the only fraud and improper use of money at the village of Hamilton at the last election, and in the interest of Mr. Duffy, and not of Judge Mason.

(Objection sustained; Scranton dissents.)

A. I heard Lippitt say so.

326. Q. And did he further say that was as early as about two o'clock on election day?—A. I don't remember.

327. Q. Did you see anything on election day in relation to Michael Brogan's vote, or the manner it was obtained? If so, state fully what and who were present—all that occurred.

(Objected to, that contestee only granted to contestant a portion of his time to the end that the cross-examination of this witness, called on the part of contestant February 20, and whose cross-examination had not then been concluded, might be further cross-examined, and the deposition of said Leonard be attested and made to conform to the requirements of the statute; that contestee is not willing to grant any portion of his time to contestant for the purposes of relhashing the affirmative evidence of witness Leonard, as given February 20. I call attention to 15 to 18, inclusive. That the evidence now called for was fully given upon the direct examination of this witness, and any alterations since made, or additions thereto, can only serve to discredit; that the question is leading immaterial and incompetent.

(Objection overruled.)

A. I saw Michael Brogan on the street; I saw him and E. B. Mott go down Broad street together; they turned in to Mott's music store. I think D. G. Wellington was with them. That is all I saw of him until some little time after that, when he came to the polls to vote. I think Austin Tibetts was with him.

328. Q. And did you understand that this conversation between Lippitt and Mott was soon after election?—A. I did not understand when it was.

329. Q. Have you not understood that Mr. E. B. Mott has been under subpoena or notice to attend here as a witness for some time, from contestee in this case?—A. I understood so.

330. Q. Has he been in town this week?—A. I have seen him in town most every day.

331. Q. Have you heard Mr. Lippitt, in words or in substance, during this present week—one of the counsel for contestee, when calling for one Mott as a witness, was told, "Here is Mott," referring to E. B. Mott; and counsel said, "If you are the man step forward"; and Mott replied, "You don't want me by a God damn sight"?

(Objected to as immaterial, incompetent, and hearsay. Objection sustained, Scranton dissenting.)

A. I heard Lippitt say so.

332. Q. And was that counsel once, John E. Smith, district attorney of this county of Morrisville?—A. That is what Lippitt said.

333. Q. And do you know whether Mr. Lippitt voted for Mr. Mason or for Mr. Duffy?—A. I don't know; I suppose he voted for Mason.

334. Q. And did he peddle Duffy tickets during that day, as you understood?—A. Yes; he worked in interest of Mr. Duffy.

335. Q. And do you know whose money it was that you and the other poll drivers received, whether it was Mr. Mason's or Mr. Duffy's?—A. No, sir; I do not.

336. Q. And do you know whether it was the money of either?—A. No, sir.

337. Q. And have you seen Mr. Lippitt, and Mr. Lamoree and Smith, the contestee's counsel, in conversation in the past 48 hours?—A. Yes, sir.

338. Q. And was Mr. Smith, one of the counsel, talking with Mr. Lippitt, trying to or pretending to buy a tea set made of tin or something else?—A. He was there. I don't know what he was doing.

339. Q. Have you heard it stated that these eminent counsel, eminent both for ability and high social and moral standing, have endeavored by trick or otherwise to get into conversation with Lippitt, one of them pretending to make a purchase and at the same time getting declarations from him, such as were proved by you yesterday to have been made?—A. Lippitt thinks it was a trick.

340. Q. You have stated that you had an interview with Hollingsworth. Before this, had he been arrested and taken to Utica for illegal voting, and had you learned that he had there confessed his crime and stated that he was hired to vote by Mr. Cushman?

(Objected to; immaterial as to what witness understands; should state facts if he has any; question all been gone over, and the evidence incompetent. Objection sustained. Scranton dissents.)

A. I understood it that he confessed his crime at Utica, but did not understand that he said anything about being hired.

341. Q. And was there some excitement in this village, and was there much talk upon the subject by men of all parties here?—A. Yes; I heard them talking about it.

342. Q. And so far as you heard was it not quite general that people pitied the simple-minded negro and censured Cushman?

(Objected to as immaterial and incompetent. Objection sustained, Scranton dissenting.)

A. I heard some pity the negro and some talk about Cushman.

343. (Question repeated).—A. Some pitied the negro and said if Cushman paid him a \$1 he did wrong.

344. Q. Was that the general talk so far as you heard it?

(Objected to as immaterial and incompetent. Does not appear that witness heard any general talk or talk enough to make it general. Objection sustained, Scranton dissenting.)

A. Yes.

345. Q. In that conversation, did the negro state that he was not a voter and so told Cushman?

(Objected to. All gone over in question 13, February 20. Objection sustained, Scranton dissenting.)

A. The negro said so.

346. Q. Did he further state that Mr. Cushman promised to pay him, and after election paid him \$1?—A. He said that he paid him \$1; I do not remember that he said he promised.

347. Q. Did he say that now they had got him to vote they had abandoned him and he had to pay his own counsel?—A. It was a long time ago, but my recollection is he did say so.

348. Q. Did he say his family lived in Binghamton and he had sent them \$2 a week?—A. Yes.

349. Q. Did he further say that he had no money to send that week, as he had paid it all out on account of his arrest?—A. He said he did not know what he would, or something to that effect.

350. Q. And was it at that time that the 50 cents was handed to him?—A. I guess it was about that time—some coin.

351. Q. Did not the negro seem to feel badly, and did he not say he never would vote the Republican ticket again?—A. The negro felt badly, and I think he said he would not vote for that party again.

352. Q. Have you not heard it stated he afterwards received a letter from an eminent lawyer of the city of Utica?

(Objected to as immaterial, incompetent, and hearsay. Objection sustained. Scranton dissents.)

A. I don't know that I did.

353. Q. Do you know Mr. C. W. Underhill, one of contestee's political friends?—A. Yes, sir.

354. Q. And have you learned that soon after this interview with the negro that he, the negro, declined further to confide in Lippitt, yourself, and White, and did confide, has thereafter confided and been in the interest of contestee and his friends?

(Objected to as immaterial and incompetent. Same ruling.)

A. Yes.

355. Q. And do you know any reason why the contestee does not produce him as a witness?

(Objected to as immaterial and incompetent. Same ruling.)

A. No, sir; I don't know of my knowledge.

356. Q. What did the negro tell you upon the subject?

(Objected to as immaterial and incompetent. Same ruling.)

A. I supposed you referred to the subject of his voting.

357. Q. What further, if anything, did he state in that interview referred to, as to the reason of his voting?—A. He said he would not have voted had it not been for Cushman; he said he told Cushman he had been in the county less than three months; that Cushman told him he was a voter, and he voted.

358. Q. Do you know Edwin Sherril and George Kern?—A. I do.

359. Q. State in your own language fully the cause of the discharge of those men from your employ.—A. In the first place, I bought stone in Richmond's quarry, Sherril's father-in-law, which were already dug. And I was agoing to quarry more stone in that quarry. Richmond said I could find them by uncapping 3 feet of dirt. I uncapped it as much as 7 feet deep; did not get to any stone, and abandoned it. I then went to Charles Payne's quarry and commenced quarrying stone. We quarried there a number of days; then I hired teams to draw stone; set them to work in the Richmond quarry. When I got the stone all drawn from there I then had them go into Payne's quarry. They continued to draw until they got the stone all drawn, or nearly so; then I discharged some of the teams, for I had nothing for them to do.

360. Q. Is it true that you did not have anything for them to do?—A. It is; and they knew it. I discharged John Kelly just a few days before; he is a Democrat. I discharged Edwin Sherril, a Democrat or Republican, I don't know his politics; Frank Reynolds, a Greenbacker; Charles Payne, team and driver, the owner of team a Republican and the driver a Democrat; Fred. Bonney, a Republican, I suppose; George Kern, a Republican.

361. Q. And you retained who?—A. Thomas Whalen, a Democrat; Dennis Connell; don't know his politics, or whether he was a voter or not; H. B. Leonard, a Republican and a Mason man, as you understand.



362. Q. In the discharge of these men you did discharge, had you any reference to politics whatever?—A. No, sir.

363. Q. Were each of these discharged men well-to-do and independent farmers?—A. I think they were.

364. Q. And were Kern and Sherril especially so, as you understand?—A. They were farmers; I don't know how well to do.

365. Q. Did you say to Sherril in words or substance, "I have had orders from headquarters not to keep any more Republicans on the job"?—A. No, sir; I never had any such order from headquarters in relation to politics.

366. Q. Did you ever say to him, in words or in substance, that "I can't keep men who will go to the polls and vote directly against my interest"?—A. No, sir.

367. Q. You may state the conversation that you did have with Sherril at the time of the discharge.—A. I told Sherril as we should catch up with the quarrymen that day I should not want so many teams, therefore should not want him any more at present. He wanted to know if he could not stay, and I told him no. He wanted to know if it was not politics that discharged him; I told him it had nothing to do with it; I did not have work for over three teams, and that I did not think it would be proper to keep five or six or eight teams. That was all the conversation I had with Sherril.

368. Q. Did you ever have any conversation with Mr. Kern upon the subject at the time or about the time he was discharged?—A. Did not have a word with him at the time he was discharged.

369. Q. Have you since?—A. He spoke about having work some time in December, in a blacksmith shop near the quarry. He said "Say nothing about politics," or something of that kind.—"Can't you give me a job, or more work?" I told him I had all the teams I could use at present; if there was any chance I would give him one.

370. Q. After he was subpoenaed here as a witness, did he say to you that you never alluded to politics?—A. Yes, sir.

371. Q. Why did you keep these men you did keep in preference to those you discharged?—A. I kept Whalen's team for the reason that Whalen was a stone-mason. I had stone hammers and tools such as masons use, and that he could do better work laying slope wall. When I would go to the quarry occasionally I left him in charge of the men, as he understood the work well. That is the reason why I kept him. I used my best judgment. I kept Leonard particularly so we could ride up to the quarry, as they lived in town.

372. Q. And did you have trouble with Sherril; was he fault-finding?—A. Yes, sir.

373. Q. What position has George W. Barber upon the canals and reservoirs?

(Objected to as immaterial and incompetent. Objection sustained.)

A. He takes care of the reservoirs and did at the time of the election.

374. Q. Was he understood to be a Mason man?—A. I have heard it said that he voted for Mason.

375. Q. And his father—was he vigilant and worked for Mason on election day?—A. Yes.

376. Q. And did you see him collar a voter who had a Duffy ticket in his hand and take him part way across the room? If he did not collar him, state what he did do.—A. He took hold of his collar, shoulder, arm or somewhere, and took him over by the window and talked with him a few minutes.

377. Q. Was he apparently just trying to vote?

(Objected to. Witness should state what he saw and was done and not from inferences. Objection overruled.)

A. He had tickets in his hand and was near the boxes.

378. Q. And as soon after as he was able to get away from Mr. Barber, did you have a conversation with him as to what Barber had said and done?

(Objected to. First, it assumes that the voter was being held or deprived of his liberty by Barber, which has not been proved, and that counsel cannot make evidence by framing the question in that manner; 2d, incompetent and hearsay.)

(Question waived.)

379. Q. Had Mr. George Barber on account of voting for Mr. Mason been discharged from the service of the State?—A. No, sir.

380. Q. Did you talk politics with any of the men in your employ or seek to exercise any control over them?—A. No, sir.

381. Q. When you belonged to the Republican party did Joseph Mason pay you for peddling tickets on one election day; and, if so, how much?

(Objected to; evidence must be confined to election day, November 5, 1878; immaterial. Objection sustained; Scranton dissents.)

A. He did; \$3.

382. Q. Was he a candidate for office then; and, if so, for what?

(Objected to as before; same ruling.)

A. I don't know that he was running for any office.

383. Q. When was it?—A. I think it was at a Presidential election; Grant's first term.

384. Q. Were all these poll drivers that you have mentioned that were paid by Mr. Lippitt active Democrats and favorable to Mr. Duffy?—A. They were all Democrats. I don't know whether they were all favorable to Duffy or not.

385. Q. Did you understand them all to have been favorable to Duffy except Wilcox?—A. Yes.

386. Q. And do you understand that he received some of Duffy's money and then voted for Mason?—A. I understood that he received some money; don't know whose it was; I understand he voted for Mason.

387. Q. Now, sir, was there a private Democratic caucus the evening before election?—A. I was at a caucus; I don't know whether it was night before or not.

388. Q. Did the man Wilcox attend it?—A. Yes.

389. Q. Did Austin Tibbets attend it?—A. Yes.

390. Q. And were they appointed as poll drivers and accepted as such on behalf of the Democratic party?—A. It was for some service.

391. Q. And did they then make known their hostility to a portion of the ticket?—A. They did not find any fault with ticket.

392. Q. When did you first learn that Austin Tibbets and Charles Wilcox were working for Mr. Mason?—A. On the afternoon of election day.

393. Q. Is this the Austin Tibbitts as you think came to the polls with Michael Brogan?—A. Yes.

294. Q. Was Michael Brogan known to be a Democrat?—A. Generally called a Democrat, I believe.

395. Q. And, like the stockholders of the National Bank of Hamilton, was he opposed to soft money on principle, as you understand?—A. I don't know anything about it.

396. Q. Do you know the Kelloway brothers?—A. Yes.

397. Q. How long has William Kelloway, one of the trustees of the village of Hamilton, been a saloon keeper?

(Objected to as immaterial.)

A. Five or six years.

398. Q. And do you know whether or not he was promised his election if he would cease hostilities to Mason?—A. I don't know anything about it.

399. Q. I assume then you were not present when this bargain was made.

(Objected to as incompetent; question is unfair and dishonest. Objection sustained.)

400. Q. Do you know Charles Kelloway?—A. Yes.

401. Q. Did you have a conversation with either of them; and, if so, which, in relation to supporting Mason? State with whom, where, and what.

(Objected to; all gone over with February 20; immaterial and incompetent. Objection sustained, Scranton dissenting.)

A. I talked with Charles Kelloway the day of election. He had been a Greenbacker; he was peddling Mason tickets. I asked him what that meant; he said he found out the Greenbackers had no platform to their party and he had quit them; that was all.

402. (Question repeated.)—A. I talked with same Charles Killoway a few days before election, and he was a Greenbacker at that time, which was three or four days before election, I think.

403. Q. Do you know why Eugene Wedge and W. K. Lippett have not been sworn as witnesses by the contestee?—A. I do not know.

404. Q. Do you understand they have both been under subpoena by contestee?

(Objected to; immaterial and incompetent. Same ruling.)

A. I heard them say they were subpoenaed.

Recross-examination by J. J. LAMOREE:

405. Q. You may name the time and place where you had this conversation with Charles Killoway.—A. One on the street three or four days before election, and in this hall on day of election.

406. Q. Whereabout on the street was this conversation?—A. Near Bonney and Welton's.

407. Q. Who was present?—A. I don't remember of anybody.

408. Q. Do you say there was nobody?—A. No one else to best of my memory.

409. Q. You may state, sir, what you said on that occasion, if anything.—A. I can't do it.

410. Q. Can you give one word that you said on that occasion, and as many more words as you can?—A. I asked him what he thought of Duffy's speech; he thought it was a pretty good one, or that in substance. "Well," I said, "the boys disturbed the meeting badly"; he said it was a shame that they should make so much noise; can't say that there was anything else said in that conversation.

411. Q. Was that the first time you had met him after Duffy's speech?—A. I think it was.

412. Q. You had no conversation after that up to the day of election, did you?—A. Not that I remember of. No, sir.

413. Q. You attended the Duffy meeting?—A. Yes, sir.

414. Q. It is in proof, I believe, that Killoway was there?—A. I saw him there.

415. Q. Were you in habit of seeing him often?—A. Yes.

416. Q. How far does Killoway live from your premises?—A. About half or three-quarters of a mile I should judge.

417. Q. How long after the meeting was it that you first met Killo-

way?—A. It might have been three or four days, or a week, or perhaps longer.

418. Q. Was it not the next day and while that meeting was fresh in the memory of all?—A. I don't think it was; I think it was later.

419. Q. How came you to be talking about that meeting so long after it had passed?—A. I don't know as I can tell you.

420. Q. Did Killoway tell you in that conversation that he was a Greenbacker?—A. No; I don't know as he did.

421. Q. Did Killoway ever tell you he was a Greenbacker after Duffy spoke here?—A. I don't know as he ever did.

422. Q. Was Killoway working for the whole Republican ticket on election day?—A. I don't know whether he was or not.

423. Q. He had always been there working for the Republican ticket years before, had he not?—A. Yes.

424. Q. Then you saw no change in his appearance at the polls from what it had been years before?—A. No.

425. Q. You and Killoway had never worked for the same ticket at the polls since you Greeleyized, had you?—A. No, sir.

426. Then you saw nothing strange or unusual in Killoway on the last election day, did you; you met as you had met before?—A. Yes; we met as we had met before.

427. Q. How long before Duffy's speech was it that Killoway told you he was a Greenbacker, if ever?—A. It might have been a couple of weeks or more.

428. Q. Will you swear he ever told you so?—A. Yes, sir.

429. Q. Where was it and when was it?—A. That was at Rice's meat market.

430. Q. What did he say?—A. He had some talk with Rice about hiring the hall for a Greenback club room; he said he was a Greenbacker and that was the ticket.

431. Q. That was about the commencement of the campaign, was it not?—A. Yes; I should think it was.

432. Q. About what month, July or August, did the campaign open?—A. I think it was either in September or October.

433. Q. Give your conversation with Killoway again on election day, and this time give what you said as well.—A. I asked Killoway what that meant, he peddling Mason tickets; he said the platform had all fallen out of the Greenback party; that is about all the conversation I had with him, I think.

434. Q. Was that before or after you had got your \$3 from Lippitt?—A. I don't know; it was after, I guess.

435. Q. Was not this your language: "What does this mean; I thought you was a Greenbacker, and you are now peddling Republican tickets, are you not?"—A. The other was that in substance; I might have said a Greenbacker.

436. Q. Is that not what you said?—A. Mason or Republican tickets, I don't know which.

437. Q. Then you won't swear positively that Mason's name was mentioned, will you?—A. No; I will not.

438. Q. Do you say, sir, that Austin Tibbitts came to the polls with Michael Brogan?—A. My best recollection is that he accompanied him.

439. Q. Is your recollection so good that you can swear he did?—A. I won't swear positively he did.

440. Q. Do you know what Brogan's politics were?—A. Generally called a Democrat.

441. Q. Do you know that he was a Democrat?—A. No, sir.

442. Q. Have you ever spoken with Brogan with reference to his vote, or inquired what his politics were?—A. Not with Brogan.

443. Q. Tibbitts was also a Democrat, was he not?—A. Yes, sir.

444. Q. And do you not understand that Tibbitts was a Democratic poll driver that day?—A. He was a poll driver, but not for Democratic party, I guess.

445. Q. Will you swear he did not work all day for the Democratic ticket?—A. No; I will not swear that he did not. He told me that he was working for Mason.

446. Q. Did Counselor White request you to add the last part of your answer?—A. He requested the whole answer down.

447. Q. Don't you understand, sir, that Austin Tibbitts received money from Mr. Lippitt for services to be rendered that day in behalf of the Democratic ticket as a poll driver?—A. No, sir; I don't know as he received any money.

448. Q. Do you say that you never to that effect?—A. No, sir; not to my knowledge.

449. Q. But you say that Austin Tibbitts met with you and with other members of the Democratic party in caucus the Saturday night before election, did you not?—A. He met with us; I don't know whether it was Saturday night or not.

450. Q. For what purpose was that caucus called and where did you meet?—A. Met at Eagle Hotel, to revise the poll list and to appoint poll drivers.

451. Q. Poll drivers for what?—A. I suppose for the same as at any other election, to peddle tickets and to get out voters.

452. Q. This had been, then, a custom of the Democrats in Hamilton, had it not?—A. I don't know; I don't remember of ever being in one before.

453. Q. What was there about this election that should call into existence the inauguration of such a system as this?—A. I don't know.

454. Q. Who attended that meeting? Name all that you can.—A. There was Geo. Beal, Thos. Beal, Peter Dunn, Austin Tibbitts, A. A. Pierce, D. C. Mott, W. K. Lippitt, Charles Wilcox, Joe Stevens, John Kennedy, Geo. Barber, H. T. Frisbie; I don't know as I can name any others.

455. Q. Was White there?—A. No.

456. Q. Was the question as to the support of Judge Mason for Congress brought up in that meeting?—A. I don't think it was.

457. Q. Nothing said about it?—A. I don't remember of anything.

458. Q. Who was the chairman of the meeting?—A. Bartle.

459. Q. How was the meeting called?—A. Posters around town.

460. Q. And these men came in response to this notice?—A. They came.

461. Q. Did the Greenbackers take part in that caucus?—A. Not that I know of.

462. Q. Were the Greenbackers invited to take part in the notice that was posted?—A. No, sir; I believe not.

463. Q. What did you do in that meeting? State who was appointed to look after and get out the Democratic vote.—A. Andy Clark, Chas. Wilcox, Joe Stevens, LaMott Smith, and myself.

464. Q. Was not Austin Tibbitts one of those appointed?—A. I can't say that he was. My opinion is he was.

465. Q. Then did you think it strange that he should come to the polls with Michael Brogan on election day?—A. No.

466. Q. Do you know now of your own knowledge how Brogan voted?—A. No, sir; I do not.

467. Q. If he was a Democrat and came to the polls with a Democratic poll-driver, is it not fair to presume, sir, that he voted the Democratic ticket?—A. I should not thing it anything strange for him to have voted the Democratic ticket.

468. Q. Would you not think it more strange if he had not?—A. I don't know as I would that day. They were voting all ways.

469. Q. Who do you say was voting all ways?—A. Some Democrats were voting the Republican ticket and some Republicans voted the Democratic ticket.

470. Q. Can you name a Republican who did not vote for Mason?—A. No, sir.

471. Q. You have said here that Wilcox received some of Duffy's money, as you understand, and then voted for Mason. Do you know how Wilcox voted?—A. Not of my own knowledge.

472. Q. Then from anything you know, he voted for Mr. Duffy, did he not?—A. I don't know who he voted for.

473. Q. Cannot you swear, sir, that he did not work all day for the Democratic ticket?—A. He might outside of Congressman.

474. Q. May he not also have worked and voted for Mr. Duffy, for anything that you know personally?—A. He might.

475. Q. Now, sir, by what right do you come here to charge that Wilcox voted for Mason?—A. Because he had Mason tickets, and I supposed he voted for him.

476. Q. Will you swear that he did not also have Duffy tickets?—A. I won't swear he did not.

477. Q. Did you not have Mason tickets and supply them to such Democrats as desired to vote for Mason, and also desired to vote the Democratic ticket, aside from Congress?—A. I had no Mason tickets that day.

478. Q. Will you swear that you did not obtain a Mason ticket for a Democrat that day?—A. I have no recollection of it.

479. Q. Will you swear you did not?—A. I will not.

480. Q. Is it not a common thing at the polls, where numbers desire to vote for a local candidate, for the poll-driver to supply a full set of tickets at the request of the voter, including an adverse ticket?—A. Yes; I think it is.

481. Q. Have you any other reason for charging Wilcox with having voted for Mason?—A. Nothing only what I have heretofore stated.

482. Q. Have you any reason to doubt that Mr. Wilcox worked faithfully for the Democratic State ticket?—A. I don't know as I have.

483. You have said that Joseph Mason paid you \$3 on an occasion when you was a Republican, and at the time Gen. Grant first ran for President, for services rendered by you that day as a poll driver?—A. Yes; except as to the year; that I am not certain of.

484. Q. On how many different years have you received compensation for services rendered as a poll driver?—A. Never but twice. That year and this.

485. Q. Did you know what the ordinary price established for poll drivers was per day in Hamilton?—A. No, sir.

486. Q. They all seemed to have had a uniform price of \$3 per day. Do you know of any variations from that rule?—A. I have sworn it was \$2 or \$3, for some, as Lippitt said to me.

487. Q. Do you know of your own knowledge that Geo. W. Barber voted for Judge Mason?—A. No, sir.

488. Q. Some feeling existing between you and him?—A. No, sir.

489. Q. Never has been?—A. No.

490. Q. Who is the feeling between?—A. There was a little feeling between his father and I.

491. Q. You say that you saw Eli Barber take a voter by the collar, shoulder or arm; called him back by the window and talk to him. Did that voter have a set of Democratic tickets or Republican tickets before Barber talked to him?—A. I think he had Democratic tickets.

492. Q. And did he have the same tickets apparently when he returned?—A. I don't know whether he did or not.

493. Q. Do you know for what purposes he was called aside?—A. No, sir.

494. Q. Was Eli Barber the father of Geo. W. Barber?—A. Yes.

495. Q. Did you see Eli Barber examine those tickets?—A. No, sir.

496. Q. Then did you see anything in that movement indicating fraud?—A. No; I don't know as I did.

497. Q. You say you had trouble with Sherril; what was the nature of that trouble?—A. It was fault-finding a little, on account of teams passing him; he thought they drew too fast.

498. Q. And you called that trouble?—A. No trouble, only he did not like to have the teams go so fast; so found fault about it.

499. Q. Did you not say to Sherril on the day that you discharged him that his work had been all satisfactory?—A. I don't think I told him so, although I do not find any fault with his work.

500. Q. Will you swear you did not so tell him?—A. No; I will not; I might have told him.

501. Q. May you not also have told him that his politics was not right?—A. No, sir.

502. Q. Have you not said fifty times, on this corporation, that if you had work to give you believed in looking out for your political friends, or words to that effect?—A. No, sir; I don't think I ever said so once.

503. Q. Will you swear that you never did?—A. Yes; I think I can swear positively I never did.

504. Q. Did you say to Geo. Kern, while speaking about the system of labor on the canal, and referring to your superiors in office, "They have just discharged a captain from a canal scow near Utica because he was a Republican"?—A. No, sir; I never told him that.

505. Q. What did you tell him on that subject?—A. I don't remember of ever telling him anything about a scow captain.

506. Q. Will you swear you did not?—A. I won't swear positively.

507. Q. Did you hear about a captain who was discharged?—A. No, sir.

508. Q. Did you hear of any one being discharged?—A. No, sir.

509. Q. Have you not told the story of the captain discharged repeatedly on this corporation?—A. No, sir.

510. Q. Did you not say to Sherril, the day you discharged him, that you should lose your own head if you kept Republicans on the job, or words to that effect?—A. No, sir; I never told him any such thing.

511. Q. Then you say, do you, that Sherril lied, do you, while speaking on that subject?—A. He may have been mistaken.

512. Q. Is it your judgment that he was mistaken?—A. Yes, sir.

513. Q. You have always known him as a credible person, have you not?—A. Yes, sir.

514. Q. Now, are you not the one who is mistaken?

(Objected to as improper. It is a matter of argument, and nothing more. Objection overruled.)

A. No, sir.

515. Q. Your attention has been called to John Kelley, a Democrat, who you say you discharged. Did you not have difficulty with Kelley prior to this?—A. No, sir; only in regard to his drawing loads.

516. Q. What was that difficulty about loads?—A. He did not want to draw as large loads as the rest of them, and so I discharged him.

517. Q. Reynolds, you say, you discharged; did you have any trouble with him?—A. No, sir; not any.

518. Q. Had he always been a Republican?—A. I rather think he has up to this year.

519. Q. I take it, then, in his politics he was opposed to the Democratic State ticket, and only favored the Greenback ticket; am I correct?—A. I think you are. He is a Greenbacker.

520. Q. Who was this driver for Payne?—A. His name was Arthur Eddy.

521. Q. Did you employ Eddy?—A. No, sir; Mr. Payne did.

522. Q. Then, when you discharged Payne, Eddy being in his employ, you had nothing to do with Eddy, had you, and did not discharge him?—A. No, sir.

Adjourned until 7.30 p. m.

Examination resumed at 7.30 p. m.

523. Q. Will you name now the Republicans in the employ under you at the time of the election, confining yourself to those whom you know to be Republicans?—A. Henry B. Leonard, and don't know whether there was any more or not.

524. Q. And was H. B. Leonard, the only Republican on that job so far as you know, your father?—A. No, sir; he is a brother.

525. Q. Will you swear that Henry B. Leonard did not vote for Sebastian Duffy last fall?—A. Not of my own knowledge.

526. Q. Will you swear of your own knowledge that he voted any portion of the Republican ticket last fall?—A. I did not see him vote.

527. Q. Do you say that you had a conversation with Sherril at a blacksmith-shop near the works after he was discharged?—A. No, sir.

528. Q. Did you have a conversation with Kern after he had been subpoenaed in this contest here in the village?—A. Yes.

529. Q. State that conversation, and who was present.—A. I met Mr. Kern on the corner at Woodruff's. He said he had been up in the hall; said Sherril was on the stand. He said Sherril had sworn or was going to swear, and I can't say which, that I had discharged him on account of his politics; and I asked Kern if I had ever said anything about politics when I discharged him; and he said "No, you did not." That was about all the conversation.

530. Q. You are sure there was no one else present?—A. I did not see any one.

531. Q. You had a conversation with Kern in December last, in which he asked you to lay politics aside and let him work, did you not?—A. Yes.

532. Q. I wish you would give that conversation, and who commenced.—A. Kern said lay politics one side, or something to that effect, and give him a job. I told him I had all the teams I could work then; if I could work any more I would give him a job, or something to that effect.

533. Q. What did you understand Kern to make reference to when he asked you to lay politics one side and give him a job, again?—A. I don't



know of anything else, only because he was a Republican and I a Democrat.

534. Q. What had that got to do inasmuch as you made no distinction?—A. I can't answer it in any other way.

535. Q. You did not understand then that Kern asked you to lay aside politics and give him a job because of a belief on his part that politics had thrown him out of a job under you?—A. He might have believed it; I don't know.

536. Q. Do you know how it happened that Sherril, the same day that both were discharged, and before either was discharged, should invent and tell the same to Kern—the statement which he swore to here—touching your conversation with him, when you told him you could not keep him if you wished to; that his politics weren't right; that you would lose your head if you did keep him, &c.?—A. I don't know; no, sir.

537. Q. That was before this contest had been entered upon, as well as the one which you had with Kern when he asked you to lay politics aside and give him a job, was it not?—A. Yes.

538. Q. Do you say, sir, that you don't know that Edward Sherril, the man whom you discharged for political reasons, to be a Republican?—A. I don't know from my own knowledge. I never saw him vote. He don't vote in this district.

539. Q. How long have you understood him to be a Republican?—A. I have always supposed him to be one.

540. Q. Payne's driver was a boy, was he not, under age?—A. Yes, sir; I think he is.

541. Q. By what right did you put him in your direct examination as a Democrat whom you discharged?—A. I did not mean so to be understood.

542. Q. Your attention has been called again to the negro Hollingsworth. Did you hear that negro swear in his vote?—A. Yes, sir.

543. Q. Did he swear he had been in the county four months next preceding the election?—A. Yes, sir.

544. Q. And now you understand it is claimed this negro had not been in the county of Madison four months, as you understand?—A. Yes, sir.

545. Q. And you understand that to be the ground for his disqualification as a voter?—A. Yes, sir.

546. Q. And do you know why it is that contestant has offered no evidence, not even Hollingsworth, to prove that Hollingsworth had not been in the county of Madison four months?—A. I don't know.

547. Q. Hollingsworth has been here, as you understand, continuously from the time of his arrest?—A. I think he has.

548. Q. I want you now to give the conversation, and all of it, between S. D. White, W. K. Lippett, yourself, and Hollingsworth at the time you induced Hollingsworth to enter the office of S. D. White.

(Objected to, first, that it is immaterial; second, that it has been fully inquired of by both parties, to kill time and annoy the witness. Objection overruled.)

A. After he came back from Utica—am not positive it was the same night or not—White asked Hollingsworth what they done with him. He said they held him to bail, \$250, I think, to appear before the grand jury at Albany some time in January. He said Cushman and all the rest of them had gone back on him. He said he saw Cushman and told him he had been arrested. Cushman said that if he had got into it he must get out; or that in substance. I think White asked him if they was agoing to protect him. He said he did not know whether they were

or not; they did not act so. White told him that he ought to know who his friends were; something to that effect, and he said he would the next time. I asked Hollingsworth who bailed him. He said his brother. I asked him what his brother thought of it. He said his brother blamed Cushman for advising him to vote; or that in substance. I think Lippitt said something, but won't be sure. Then White or Lippitt asked the negro why he voted. He said Cushman advised him to vote. He said he told Cushman that he had been in the county less than three months, and Cushman told him he was a voter. White asked him if he had a family. Said he had in Binghamton; that he was in the habit of sending his wife \$2 per week, but did not know what his family would do if they locked him up. He said Cushman gave him a dollar for voting. I think he said he paid it to him after election. That's all I remember of, only White gave him some coin. Don't know how much it was.

549. Q. Have you given all that White, Lippitt, or yourself said there?—A. All I remember of.

550. Q. Then let me call your attention to something. Was anything said there by Mr. White about the expenses if they went on with that, and how it would affect Hollingsworth's brother?—A. I don't remember anything of that kind.

551. Q. Did not Counselor White promise to befriend Hollingsworth and to take charge of the matter for him?—A. I don't remember it, although he might have said it.

552. Q. Why is it that you can't remember that part?—A. I don't know as there was any such thing said. There are two rooms up there, and I did not hear all that was said.

553. Q. What occasion had you for leaving the room during that interview?—A. There was folding-doors between the rooms, and I might have walked out.

554. Q. Did not Hollingsworth in that conversation say that Mr. Wade gave him the dollar?—A. No, sir.

555. Q. Will you swear that he did not so state?—A. I did not hear him say so.

556. Q. How long after the election did you understand it was that the dollar was paid?—A. I don't know; it was after the election. Can't state as he said how long.

557. Q. Did he say that Cushman made him any promise before he voted?—A. No, sir; I did not hear him say so.

558. Q. Did he not say on that occasion that there was nothing said on that subject before he voted?—A. I did not hear him say anything about it.

559. Q. Did he not say there was no promise to pay him something before he voted?—A. He did not say anything about any promise.

560. Q. Was he asked if there was a promise made to him by Cushman before he voted?—A. I don't know as he was.

561. Q. How did he come to say, then, that the dollar was paid him after he voted?—A. Hollingsworth said that Cushman paid him a dollar after he voted.

562. Q. Do you know what was said just before that to Hollingsworth that called for that reply?—A. I don't know what was said just before that.

563. Q. Did he say where the money was paid?—A. I don't know whether he did or not. I don't remember.

564. Q. Did you not understand that the money was paid several days

after the election?—A. He said it was after election, and it might have been several days. I don't know.

565. Q. Have you not since learned it was several days after election?—A. No, sir; I have not.

566. Q. Did you not understand that Mr. Cushman, as well as Mr. White, had their barbering done at their office?—A. I don't know where either of them get their barbering done.

567. Q. If Counselor White deemed it proper to contribute something to this poor negro, did you deem it wrong for Cushman to contribute also?—A. I don't know what White gave him the money for. He said Cushman paid him the money for his vote.

568. Q. Do you profess to know that the contribution from Cushman, if any was ever made, was not prompted by the same impulse which led Mr. White to pay money to the negro?—A. I don't know of my own knowledge.

569. Q. Is not Mr. Cushman a young gentleman of very high standing in this community for personal integrity?—A. Cushman is in very good standing so far as I know.

570. Q. Have you the means of knowing why it is that Mr. Cushman has not been called as a witness by contestant to prove the payment of money, if any was made?—A. I have not; no, sir.

571. Q. Where did this negro say he lived before he came to the county of Madison, if anywhere?—A. I don't know as I heard him say where he lived.

572. Q. Did he not say to you that he had broken up housekeeping; sent his wife to her mother's in Binghamton, there to stay until he could get a home for her here?—A. No, sir.

573. Q. Did he say that all the family he had was a wife, and that she was boarding with her mother?—A. He said, I think, that he had a wife and one child.

574. Q. Did he not say to you that his wife was boarding with her mother?—A. I don't remember that he said so.

576. Q. Did you ever hear any person charge Cushman with the payment of a single dollar to corrupt the election aside from what you heard Hollingsworth say?—A. No, sir; I don't know as I ever did.

577. Q. Have you taken an active part in this contest?—A. I don't know as I have. I served some subpoenas.

578. Q. Your attention has been called again to the conversation with Mr. Lippitt yesterday, when two of Mr. Mason's counsel were present. Did you, sir, call Mr. Lamoree to come into that store?

(Objected to. The subject has been exhausted.)

A. I called him to come in there.

579. Q. And how long was that before the conversation?—A. Two or three minutes probably; very soon after you came in.

580. Q. Have you talked with Lippitt since you were on the stand last evening?

(Objected to. The subject has been exhausted.)

A. Not on the subject of politics since.

581. Q. You said this morning, in answer to a question by Attorney White, while referring to the conversation and to what Lippitt had said about poll-drivers and the manner in which those facts were elicited, that Lippitt thought it was a trick upon him; how came you to know that fact?—A. I think Lippitt said that it was a trick, but I don't know when.

582. Q. Did you hear Lippitt say that it was a trick played on him?—A. Yes.

583. Q. When did he tell you that?—A. I can't tell when; it was since it was done; I can't state the time, whether yesterday or last evening.

584. Q. Was it to-day?

(Objected to on the ground that the question has been fully answered.)

A. I can't tell you whether it was last night or to-day.

585. Q. Where did he tell you that?—A. In the store, I think. I don't know, because I have talked with him on street.

586. Q. In any of those conversations has he assumed to deny about paying the poll-drivers as you swore yesterday?—A. No, sir; I have had no conversation with him as to poll-drivers since that.

THURSDAY, April 3, 1879.

Examination of LEONARD resumed:

587. Q. And have you talked with Mr. Lippitt and been in his place of business since the adjournment last night?—A. No, sir.

588. Q. When did you hear Wedge say anything about Mason being at the polls when Hollingsworth voted?—A. Some time last week, in Royce's store.

589. Q. Who was present?—A. Mr. Royce, and I think Mr. Royce's clerk was present, and I don't know but others.

590. Q. You have stated, I believe, that this same Wedge was one of the poll-drivers who worked in the interest of Mr. Duffy at that election?—A. I said he was a Greenbacker, and worked at the polls for him.

591. Q. You do not understand him to be the political friend of Judge Mason?—A. I don't know whether he is a friend of Mason or not.

592. Q. I asked you how you understood it?—A. I said he was a Duffy man.

593. Q. Do you know why he has not been called to substantiate that fact on the part of contestant?—A. I do not.

594. Q. He was in the village of Hamilton, as you understand, at the time contestant was giving evidence upon this point in February?—A. I think he was.

595. Q. And did you not see him in the room?—A. I don't remember of seeing him in the room.

596. Q. You was present at the polls and saw Hollingsworth vote?—A. Yes; I was in the hall.

597. Q. Did you see Judge Mason there at that time?—A. I don't remember of seeing him at that time.

598. Q. How was it that you did not see Judge Mason?—A. I don't know. There might have been a good many there that I don't remember of seeing.

599. Q. Now, sir, did not Wedge tell you that story after conferring with Counselor White, and for the express purpose of having you come in here and swear to it?—A. No, sir.

600. Q. How do you know he did not?—A. Because he was talking with Mr. Royce and not with me.

601. Q. But he knew that you was present, and he also knew that you was to take the stand again to complete your deposition, did he not?—A. He did, because we had been both subpoenaed to attend here the same day, April 1, 1879.

602. Q. He knew that you had been subpoenaed to be present and close up your deposition, did he not?—A. I don't know about the closing; he knew I was to be present.

603. Q. All you know about the truthfulness of Wedge's story is what he told you?—A. All I know is what I heard him tell Royce.

604. Q. And Royce was another Greenbacker, was he not?—A. No, sir; Royce is a Republican.

605. Q. Will you swear that Royce was not a Duffy man last fall?—A. I don't know whether he was a Duffy man or not, or whether he voted or not.

606. Q. And he lives right here in the village, does he not?—A. Yes, sir.

607. Q. You were asked upon your cross-examination, and testified in answer, that you had heard W. K. Lippitt say, in words or in substance, that he, Lippitt, had heard one Mott say that he, Mott, paid Michael Brogan \$2; and, also, that Mott followed that remark by saying I got in nineteen more. When did you have that conversation with W. K. Lippitt?—A. I have heard him say it twice; both within two weeks, I think.

608. Q. Did you ever hear Lippitt say that, or that in substance, until within the last two weeks?—A. I have heard him speak of the \$2 before.

609. Q. When did you first hear him speak about the \$2?—A. It might have been a month ago.

610. Q. Then it was since they commenced taking evidence on the part of Mr. Duffy in this village?—A. Yes; I think it was.

611. You may state, sir, what Mr. Lippitt said the first time you heard him speak with reference to Brogan's vote, or what he had heard Mott say.—A. He said Mott said he gave Brogan \$2 for his vote. That is all I remember at that time.

612. Q. Can you give another word in that conversation relative to what Mott said?—A. No; not at that time.

613. Q. Now you may give Lippitt's language on that subject the next time you talked with him.—A. Lippitt said that Mott told him that he had got in nineteen other votes besides Brogan's. That's all he said.

614. Q. You may now give the next conversation you had with Lippitt on that subject and the whole of it.—A. I guess those two are the only ones I had with him.

615. Q. Then there was nothing said as to how Brogan voted?—A. No, sir. I don't know how he voted.

616. Q. This same Mott, as you understand, has always been a Democrat, has he not?—A. Yes, sir.

617. Q. And this same Lippitt was also a Democrat, and chairman of the county committee?—A. Yes, sir.

618. Q. Do you not understand, sir, that both Lippitt and Mott were working for the same ticket?—A. I don't so understand it. No, sir.

619. Q. Will you swear that Mott did not work all day for the Democratic ticket except that he voted for Judge Mason, the Democrats having no candidate themselves except by adoption of the Greenback candidate?

(Objected to on the ground that the question assumes a state of facts not proven. The proof is that the Democrats nominated Mr. Duffy in convention. 2d. That witness has already sworn that Mott was working for Mr. Mason, and the question does not relate to balance of ticket. And as to Lippitt, the proof is that Lippitt peddled votes for Duffy, but voted for Mason, as the witness understands. Objection overruled.)

A. I can't swear as to balance of ticket.

620. Q. You mean by that, do you not, that you do not know whether

Mr. Mott worked that day in the interest of the Democratic State ticket and for other candidates on the Democratic ticket or not?—A. I don't know whether he did or did not.

621. Q. Have you reason to believe that Mr. Mott did not support the entire Democratic ticket, except Congressional?—A. No; I don't know as I have.

622. Q. Wherein do you understand, then, that Mr. Mott and Mr. Lippitt did not work and vote for the same ticket?—A. Mott used Mason tickets; Lippitt used Duffy tickets.

623. Q. Do you know of any other differences in their working or voting?—A. Not of my own knowledge.

624. Q. Do you say that you have personal knowledge that Mott worked for Mason?—A. He told me so; that he worked for Mason, and voted for him; and that's all.

625. Q. There was nothing said, you say, with reference to how Brogan had voted. Now state if there was anything said as to how the nineteen voted?—A. No.

626. Q. Then you don't know but what those 19, if there was any such in fact, had reference to votes secured for the Democratic ticket and to the State ticket, do you?—A. Not of my own knowledge; no.

627. Q. You have given all you heard said upon the subject?—A. I think I have.

628. Q. Do you know why Mr. Mott or Mr. Lippitt has not been produced upon this examination as witnesses on the part of contestant to establish these facts if true?—A. No, sir.

629. Q. Do you know that Mr. Lippitt did not make those statements to you under arrangements with Counselor White or Mr. Duffy with intention to draw them out as hearsay declarations in behalf of contestant?—A. I don't know anything about that.

630. Q. Do you know that Mr. Mott ever made those statements to Mr. Lippitt, or any portion of them?—A. I don't know only what Lippitt told me.

631. Q. You said that you saw Brogan on election-day go down Broad street with Mr. Mott and go into his store. Was there anything strange about that?—A. I don't know as there was.

632. Q. Many people enter that store every day, do they not?—A. Yes, sir.

633. Q. Your attention has been called, upon cross-examination, to some remark alleged to have been made by E. B. Mott relative to his being sworn in this case; will you give that conversation again?—A. I heard Lippitt say Mott told him that District-Attorney Smith was looking for E. B. Mott. He said Charles Smith said, "This is E. B. Mott." District-Attorney Smith said, "We want you, Mott." Mott replied to Smith, "You do not want me by a damn sight," or something of that kind.

634. Q. Are you sure those are the words attributed to Mott, You don't want me by a damn sight?—A. There was a damn in it; I am not sure as to the other words.

635. Q. Then the only word that you can give exactly as Lippitt gave it to you is the word damn, is it not?—A. I have given the whole of it as near as I can remember as Lippitt told it to me.

636. Q. Now, will you answer my question? Can you give one word, save the word *damn*, in the precise language employed by Lippitt?—A. I can only answer it as I answered it before.

637. Q. If you can give another word employed by Lippitt, and as Lippitt gave it, except the word *damn*, you may give it.—A. I have given it to you as I heard Lippitt say it, to the best of my recollection.

638. Q. No, sir. 'Are you sure that Lippitt employed any other word given by you than the word damn?—A. He gave it all as near as I can remember as I swore to.

639. Q. But do you remember it correctly?—A. It would be hard work for a man to remember it word for word. I remember that he told that in substance.

640. Q. When did he tell you that?—A. I think it was the latter part of last week.

641. Q. He knew at the time that you was to be called back as a witness here?—A. I think he did.

642. Q. Do you know how Counselor White learned of this conversation between you and Lippitt?—A. I don't know as I do.

643. Q. Did you tell him?—A. No, sir.

644. Q. Who was present at the conversation between you and Lippitt?—A. Lippitt's clerk, and, I think, A. B. Rice was there.

645. Q. You don't know of your own knowledge that Mott made use of any such language as that imputed to him, do you?—A. No, sir.

646. Q. And do you know why it is that neither Mott nor Lippitt are called upon these matters by contestant if they are of any value?—A. I don't know.

647. Q. How did you hear that Hollingsworth confessed a crime in Utica?—A. I heard it from John Kennedy, and heard it remarked several times.

648. Q. You did not hear him confess a crime in Utica?—A. No, sir.

649. Q. You understand at this time that Hollingsworth is a Democrat?—A. I don't understand anything about it.

650. Q. You say that you never had an order from headquarters requiring you to discharge men for political reasons; would you acknowledge the fact if you had received such an order?—A. Yes, sir.

651. Q. Then you, I take it, are not as mindful of your head at this time as you was when talking with Sherril?—A. Never was any head mentioned with Sherril.

652. Q. You say upon your examination by Mr. White that you don't know whose money Wilcox had. Don't you know, and have you not learned it from Mr. Lippitt who paid the money, that he obtained that money from Lippitt himself?—A. I heard Lippitt say he gave him the money.

653. Q. And did not Lippitt say also that he paid it out of the \$100 that he received from Duffy?—A. No, sir; all he ever said to me was what he said in your presence.

654. Q. You mean on the occasion when you called Mr. Lamoree to come in where you and Lippitt and Smith were?—Yes, sir.

655. Q. What did you call Mr. Lamoree for—at any one's suggestion?—A. No, sir.

656. Q. What was your object?—A. Nothing at all that I know of.

657. Q. And while Lippitt was talking you got up and left, remarking as you left the store, did you not, "I'll have to swear to all this this afternoon"?—A. Yes, I did; but Lamoree said it did not amount to anything.

658. Q. And did Lamoree as well as yourself smile when that remark was made?—A. I think they all laughed.

659. Q. How long since William Kelloway was a saloon-keeper in this village?—A. I should think about two years, or possibly more.

660. Q. Since then what has been his business?—A. Selling ice-cream, the most I know of.

Examined by S. D. WHITE:

661. Q. Do you understand that William Kelloway is about to open a saloon in the Stellman building?—A. No, sir.

662. Q. Do you understand that Mr. Lippitt made other assessments upon other candidates than Mr. Duffy?—A. Yes, sir.

663. Q. Was John Harmon one of those candidates?—A. Yes, sir.

664. Q. And did you learn on the day of election that Mr. Lippitt was working harder in the interest of Harmon than any other candidate on the ticket?—A. Yes, sir.

665. Q. And was he making special efforts in his behalf?—A. Yes, sir.

666. Q. And did you understand that he made any special efforts on behalf of Duffy, except as to hand out tickets which accompanied Harmon tickets?—A. No; no more than peddling tickets.

667. Q. And have you heard Mr. Lippitt say that while he assessed Mr. Harmon his share of the campaign expenses that he did not take it or exact it of him?—A. No.

668. Q. He was running for member of assembly in this district, was he not?—A. Yes, sir.

669. Q. I understood you to say in answer of Mr. Lamoree, that one Joseph Stevens was in the Democratic private caucus. Did you so state?—A. Yes; he was in the caucus.

670. Q. Has he always been known to be a Democrat?—A. Yes; ever since I have known him.

671. Q. And do you know when and where it was that he and one Charles Wilcox, of whom you have spoken, purchased the Kelloway boys, and how much they were paid by them?

(Objected to; immaterial and incompetent, assuming a fact also not proven, and for which there is no foundation in fact. Objection overruled.)

A. No, sir.

672. Q. And now let me refresh your memory: Is it not your best recollection that that caucus was on the Monday evening previous to election?—A. It was just before election.

673. Q. Have you heard it stated that Wilcox and Stevens were out of town that night in the interest of Mason?

(Objected to as immaterial, incompetent, and hearsay. Objection sustained. Scranton dissents.)

A. I don't know as I have.

674. Q. Did either Tibbitts, Wilcox, or Stevens make it known in that caucus that they had been purchased, or were in hostility to the ticket or any part of it?—A. There was nothing said about their being purchased. No, sir, to balance of question.

675. Q. Did you know that they or either of them were hostile to the ticket or any part of it at that time?

(Objected to as immaterial and incompetent. Objection sustained, Scranton dissenting.)

A. No, sir.

676. Q. For whom do you understand Mr. Stevens, Wilcox, and Tibbitts worked and voted on election day, for Mr. Mason or for Mr. Duffy?—A. I understand it for Mason.

677. Q. And did Mr. Tibbitts work specially for Mr. Mason on that day?—A. Yes, sir.

678. Q. And has he always been a Democrat?—A. Yes, sir.

679. Q. Do you know one A. B. Rice, of this village?—A. Yes, sir.

680. Q. What are his politics?—A. Democrat.



681. Q. How do you understand he voted?—A. For Mason.

682. Q. You have spoken of Tibbitts's connection with Michael Brogan. Now, state what you have heard said of Tibbitts's attempt to purchase Rice's vote for Mason?

(Objected to; immaterial, incompetent, and hearsay. Objection sustained. Scranton dissents.)

A. I decline to answer that question.

683. Q. Why do you decline to answer it?—A. This Rice is a personal friend of mine, and I don't want to answer anything on that subject.

684. Q. But the attempt to buy, and not the success, cannot reflect upon Mr. Rice, can it?

(Objected to; immaterial, incompetent, and an apparent effort between witness and counsel to spread upon this record an impression not warranted by the facts, under a guise of assumed virtue. Objection overruled.)

A. No; I don't know as it can.

685. Q. Then please answer the question.—A. If I can answer it as Rice told it to me I will answer it.

(The statements of Rice are objected to as being secondary, immaterial, and hearsay. 2d. The sayings of Rice cannot bind or affect the rights of contestee, as no authority is shown for the statements. It does not appear that Rice was authorized to act or speak for Judge Mason. Neither does it appear that Austin Tibbitts was his agent in any manner, or that Judge Mason was cognizant of anything transpiring between Tibbitts and Rice. Same ruling.)

A. Rice told me that Tibbitts gave him 50 cents if he would vote for Mason. He said he took the 50 cents, but had voted for Mason two or three hours before, and that he afterwards let Tibbitts have 50 cents' worth of meat.

686. Q. Did he not state the conversation with Tibbitts as Tibbitts approached him? If so, state it all.—A. I have stated it all now.

687. Q. This Rice keeps a meat market here, does he?—A. Yes, sir.

688. Q. And is this man Tibbitts reputed to be a poor man?

(Objected to; immaterial and incompetent. Objection sustained, Scranton dissenting.)

A. He is generally called a poor man.

689. Q. You have been asked upon your redirect examination if you knew why Mr. Lippitt has not been called. Do you understand that he has been subpoenaed by contestee; and do you understand that he claims his health is in such a condition that he cannot stand an examination, and that he has requested both sides not to examine him?—A. I understand that he has been subpoenaed, but I do not understand as to the rest.

690. Q. Do you not understand that he claims to be in such a condition that he could not bear an examination?—A. I have heard him say that he was very nervous and would not go on the stand.

691. Q. You have been asked if you knew why contestant does not call E. B. Mott. Do you not understand that his sympathies are with contestee?—A. Yes.

692. Q. Did you hear a conversation between E. B. Mott and Mr. White yesterday in Lippitt's store?—A. I heard White and E. B. Mott talking.

693. Q. Was Mr. Lippitt present?—A. He was, I think.

694. Q. Was the conversation after you had testified that Lippitt had informed you that Mott said to him that he gave Brogan \$2 for his vote

and had got in nineteen others?—A. I think it was after I had testified.

695. Q. Did Mr. White say to Mr. Mott, in words or in substance, "I hear that you have said to-day that you did tell Lippitt that, but you supposed you were telling it to a man who would not tell of it?"

(Objected to, immaterial, incompetent, and hearsay. Second. That Counselor White should not be permitted to manufacture evidence by leading Leonard, his own witness, known to be hostile to Judge Mason, into the presence of Lippitt and of Mott, equally hostile, and there, by examination out of court, to load and reload the witness Leonard by invention and every variety of process that he may bring him back into this court to have the same incorporated at the instance of Counselor White in Leonard's deposition, thereby depriving contestee or his friends of the right to be present and hear what has been said in answer to Mr. White's questions, or to cross-examine those witnesses whom Counselor White has thus assumed to interrogate in the presence of Leonard. That contestant should be compelled to call those witnesses or persons, namely, Lippitt and Mott, that they may be cross-examined with reference to the truthfulness of their sayings. Objection sustained, Scranton dissenting.)

A. I heard a conversation; I won't swear as to what it was; I don't remember.

696. Q. Do you remember that Mott made no reply to a remark something like that?

(Objected to as before, and as showing the entire insincerity of the last question. Same ruling.)

A. I don't remember.

697. Q. You have been asked upon recross-examination if you know why the witness Hollingsworth was not called as a witness for contestant. Do you not understand that Hollingsworth is in the interest of contestee, and that he now is, and for some time past has been, acting under the advice of Mr. Underhill and other friends of the contestee?

(Objected to; immaterial and incompetent, and seeking to encumber the record with needless repetitions and to consume time. Objection sustained, Scranton dissenting.)

A. I don't know, of my own knowledge. I have heard it rumored he was in the interest of Mason or his friends.

698. Q. And did not you and others, when it was supposed that he was not to be indicted and that the prosecution was suppressed and that he was about to leave, take measures for his detention by obtaining a warrant?

(Objected to as immaterial and incompetent. Objection sustained, Scranton dissenting.)

A. Yes.

699. Q. Was that, so far as anything you said or did, kept a secret from Hollingsworth?

(Same objections; same rulings.)

A. It was, so far as anything I said or did.

700. Q. And has there been a term of the grand jury, as you understand; since the January to which he was held to appear?—A. Yes; I understood there was a term at Utica in March.

701. Q. And do you not understand that the proceedings against Hollingsworth have been stopped?

(Objected to as before. Same ruling.)

A. Yes.

702. Q. Do you know why E. F. Grosvenor has not been called in this case ?

(Objected to as immaterial and incompetent. If Grosvenor knows anything material to this case it belongs to contestant to produce him and have him sworn, and the best evidence that Grosvenor is in possession of no fact which can aid contestant lies in the fact that he has not been called. Objection sustained.)

703. Q. And did you hear that during last fall's campaign that E. B. Cushman and Mr. Mason, between here and Morrisville, had an accident, in which the buggy was badly injured ?

(Objected to as immaterial and incompetent. Objection sustained. Same ruling.)

A. I heard he had an accident, whether in the fall or summer.

704. Q. Do you know that Austin Tibbitts repaired that buggy ? I mean the Austin Tibbitts who, it is proved, went into a store with Brogan, a hard-money Democrat.

(Objected to as immaterial and incompetent, and, as before, same ruling.)

A. I don't know who repaired the wagon.

705. Q. Did you observe that Mr. E. B. Mott was at work for any one else on election day beside Mr. Mason ?

(Objected to as immaterial and incompetent ; that witness has already testified that he did not notice whether he worked for anybody else. Objection sustained.)

706. Q. You have testified that you heard Mr. Lippitt, about two weeks ago, tell the story of the 19 or 20 votes ; had you not heard the rumor before you heard Mr. Lippitt state it ?

(Objected to ; incompetent. Objection sustained.)

707. Q. You sought to say in answer to contestee's counsel that at one time when you heard Lippitt speak of the 19 or 20 votes that E. B. Mott was present talking with Lippitt ; state that conversation between them, so far as you are able.

(Objected to. The preamble is not founded in fact, and that witness has already testified that he did not hear conversation referred to between Mott and Lippitt.)

A. I did not hear any conversation between Mott and Lippitt.

708. Q. Did Mr. Lippitt make this declaration as to what Mott had told him to Mott or in his presence, and did Mott make no reply ?

(Objected to. Does not appear as what declaration referred. Witness has already testified he did not hear any conversation. Evidence immaterial, incompetent, and that it does not call for conversation. Objection sustained, Scranton dissenting.)

A. I don't think he made any declaration in presence of Mott.

709. Q. Do you know why contestee's counsel have failed to produce John Bonney and have his deposition signed ?—A. I don't know.

710. Q. About what time of day did Mr. Brogan vote ?—A. Some time in the afternoon ; can't say what time.

711. Q. You have been asked on your cross-examination in relation to money received by Mr. Lippitt as an assessment from Mr. Duffy, and as to what Mr. Lippitt said about it as to how he had used it. Did he not further state that he had kept an account of every dollar that he had received and how he had paid it out, and that it was all paid out for proper purposes ?—A. I heard him say at one time he had kept an account of what money he had paid out.

Examination by J. J. LAMOREE :

712. Q. State as near as you can the time when Lippitt told you he

kept an account of all moneys he paid out for political purposes.—A. A month or six weeks ago.

713. Q. Do you know why that account has not been produced?—A. I do not.

714. Q. Do you now say that you were one of the parties who took an active part in the prosecution of Hollingsworth to the extent of getting out a warrant for his arrest in State court?—A. I was.

715. Q. Was that before or after you got the negro in White's office?—A. Afterwards.

716. Q. What became of those proceedings in the State court?—A. Warrant never was served.

717. Q. Why was it never served?—A. I don't know.

718. Q. Who made the complaint?—A. Counselor White, D. C. Mott, Thomas Beal, and myself.

719. Q. Do you know whether Counselor White has that warrant at this time or not?—A. I don't know.

720. Q. Is it not a fact that Counselor White is at this time holding that warrant over Hollingsworth as a means of intimidation to keep him from giving his deposition in this case?—A. I don't know.

721. Q. When did you have a conversation with Mr. Rice which you have detailed?—A. Some days after election; a few days.

722. Q. I understand you to say that Rice informs you that he had voted several hours before he had met Tibbitts at all?—A. Yes, sir.

723. Q. Did not Mr. Rice detail the circumstances substantially in this way: "I asked Tibbitts what he was doing to-day; he said, he was peddling votes; I asked him what he was paying, and what will you give me if I will vote your ticket; Tibbitts replied, about fifty cents, and that Rice said give me the money, whereupon, Tibbitts having some money in his hand, handed him a half-dollar, when Rice, continuing the sport, said to Tibbitts, I voted two or three hours ago, and I will let you have meat for this money; and that Tibbitts, joining in the laugh, said he would take the meat, and did take it." Now, is that not substantially the way he told it to you?—A. He did not tell me the whole of that, I don't think.

724. Q. Will you swear that there is any portion of it he did not tell you?—A. No; not positively.

725. Q. Did not you and Rice, both of you, when talking upon the subject, regard it only in the light of a little pleasantry between Tibbitts and Rice?—A. I think Rice regarded it as a joke.

726. Q. Do you know that Tibbitts did not also regard it as a joke?—A. I don't know.

727. Q. If you had regarded this of any moment whatever, I take it that you would have given it to Counselor White to be used in aid of Mr. Duffy before your direct examination closed February 20, would you not?—A. I did not intend to say anything about it any way.

728. Q. You did not regard it as worth saying anything about, did you; you regarded it as a joke?—A. On Rice's part I did regard it as a joke.

729. Q. You have been asked when and where it was that Mr. Stevens and Charles Wilcox purchased the Kelloway boys; can you say, sir, that either of the Kelloway boys were purchased at the last election, or approached at last election with an attempt to purchase by any person?—A. I don't know anything about it.

730. Q. Do you know, sir, that Stevens and Wilcox did not both vote for Mr. Duffy?—A. I don't know.

By Mr. WHITE:

731. Q. Do you understand that the warrant was placed in the hands of Mr. Newton, a constable, a Republican, and deputy sheriff?—A. Yes.

732. Q. And did you and Mr. Newton look after Hollingsworth with a view to prevent his escape?

By Mr. LAMOREE:

733. Q. Did you not understand that the warrant was placed by White in the hands of a constable with instructions from Counselor White not to arrest Hollingsworth thereon until further orders?—A. No, I did not so understand it.

734. Q. How did you understand it?—A. He handed the warrant to Newton and told him to arrest the negro. That's all. I don't know why he has never been arrested.

THADDEUS LEONARD.

Subscribed and sworn April 3, 1879.

S. E. SCRANTON, JR.,

*Notary Public in and for Madison County, New York.*

Parties met pursuant to adjournment February 24, 1879, at 9 a. m.

S. D. White appearing as counsel for contestant; D. G. Wellington, J. E. Smith, H. H. Keith, and J. J. Lamoree for contestee.

*Deposition of C. W. Stapleton.*

C. W. STAPLETON, a witness, being duly sworn, testified as follows:

Direct examination:

1. Question. Where do you reside?—Answer. Hamilton village, New York.

2. Q. What is your age?—A. Twenty-seven years.

3. Q. Your occupation?—A. Law student.

4. Q. Whose office?—A. A. N. Sheldon.

5. Q. How long have you been such?—A. Nearly two years.

6. Q. What are your politics?—A. Republican.

7. Q. What relation did you sustain to the board at the last election?—A. Poll clerk.

8. Q. Was the contestee present most of the day on election?—A. A great deal of the time; cannot say whether the most of the time.

9. Q. Are you well acquainted with the Kelloway boys?—A. Yes, sir.

10. Q. State their names.—A. George, Charles, William, James, and Frank.

11. Q. Charles sometimes called Jack?—A. Yes, he is.

12. Q. For some years have they been active poll-drivers at elections?—A. Some of them have.

13. State what ones.—A. Charles, William, and James.

14. Q. State what ones worked actively, and especially for Mr. Mason, on election day.—A. Charles and William worked actively for some one; I don't know who.

15. Q. State if you know whether they were opposed to Mason up to a short time before the election.—A. They were, judging from their talk.

16. Q. Up to how late?—A. Within a few days.

17. Q. About how many days?—A. I cannot tell.

18. Q. State what you heard any or either of them say.

(Objected to; immaterial, incompetent, and hearsay. Objection overruled.)

A. Can't say what one said specially.

19. Q. State, as nearly as you can, what they said, stating who or which one said it.—A. I cannot give the substance nearer than that.

20. Q. You say both of them?—A. Yes; Charles and William, also James.

21. Q. Did you see them almost daily during the canvass?—A. Presume I did.

22. Q. When was the first you heard they were working for Mason?—A. No knowledge of it until I was told it on election day.

23. Q. Did you hear either of the Kelloways, on the day of the election, state the reason of his change; and, if so, what was it, and which one said it?

(Objected to; immaterial, incompetent, hearsay. Neither of the speakers a party to this controversy. Objection overruled.)

A. I haven't heard either of them speak concerning the election since or on election day.

24. Q. Neither to yourself or any one else?—A. I think not.

25. Q. Was it generally rumored and understood on election day that money was used for the influence of Mason, and to secure his election?

(Objected to; immaterial and incompetent, and should be confined to what was said and done (by Lamoree). Objection overruled. Notaries differ, Underhill dissenting.)

A. There was such a rumor; I don't know how general it was.

26. Q. Did you hear Edward Welton say so?

(Objected to. Immaterial, incompetent; does not appear that Mason was present. Objection overruled, Underhill dissenting.)

A. I think I did.

27. Q. Is he a Republican?—A. He is.

28. Q. And a member of the board?—A. Chairman of the board.

29. Q. Was it not pretty generally talked that day and evening succeeding the election that money was used freely in his behalf to secure votes for him?

(Objected to; calls for the operation of the witness' mind—the conclusion of fact; instead of the fact itself; immaterial and incompetent. Objection overruled, Underhill dissenting.)

A. On the day of election I was on board, and know nothing. On the evening I heard some of these rumors or statements.

30. Q. Were not these rumors and statements pretty general on the evening succeeding election?

(Objected to as above. Overruled. The contestant claims the right of asking these questions on the ground that the witness is a political adversary.)

A. I don't wish to define that word general, but I heard it by several parties.

31. Q. Was it quite generally talked that evening, and has it been since, that the Kelloway boys were bought to work and vote for Mason, the contestee?

(Objected to; same reasons as before; should state what was said. Objections overruled.)

A. I have heard such statements a number of times.

32. Q. Have you not a good many times?

(Objected to as before. Objection overruled.)

A. I don't know how many times.

33. (Question repeated.)

(Objection repeated. Objection overruled.)

A. I have, several times. If you will tell me what a good many is I will answer the question.

34. Q. Were you present when Hollingsworth, the negro, voted?—A. Yes, sir; I was.

35. Q. Who, if any one, came up with him?—A. Mr. Watts Cushman.

36. Q. Was he a law-clerk in contestee's office?—A. He was.

37. Q. Is he still there as a law-clerk?—A. He is.

38. Q. Was he a member of the Republican county committee?—A. I understood so.

39. Q. Each town had one committeeman?—A. I suppose they do.

40. Q. State what occurred when he and Cushman came up to the polls.

(Objected to by Mr. Smith; absence of Mason; incompetent and immaterial. Objection overruled.)

A. The voter was challenged by one of the board, and Mr. D. C. Mott began to protest against their receiving the vote. He said the voter had told him a short time before he was not a voter. There was some talk back and forth between Cushman and Mott. Cushman made some reply to Mott. I do not remember what it was. Hollingsworth swore his vote in. I don't know as Cushman told him to swear it in.

41. Q. Was there a good deal of indignation expressed by the Democrats then and there?

(Objected to; immaterial and incompetent. Objection overruled. Notaries differ.)

A. There was by Democrats and Greenbackers.

42. Q. Republicans present seemed pleased over the vote?

(Objected to as before. Same ruling.)

A. I heard them say nothing about it.

43. Q. Did you see Judge Mason there soon after the colored gentleman voted?—A. Yes; I saw him there a short time after.

44. Q. Did you hear the evidence of George Beal as to what was said by contestee?—A. I did not.

45. Q. Did Judge Mason say there in words or substance, referring to the negro's voting, that Watts had made a voter quick?

(Objected to; immaterial, incompetent and leading. Objection overruled.)

A. I can't answer that question yes or no, without an explanation.

46. Q. State what occurred with your explanation.

(Objection to explanation. Objection overruled.)

A. While we were counting the votes something was said by somebody in the crowd; some jocular remark; something to the number of votes cast. It was then that Judge Mason made some remark to the person who sat on his right, I think Mr. Van Slyck. What it was I can't tell, except that it referred to the last vote, which was the negro vote.

47. Q. State the substance of it as nearly as you can.—A. My attention has been called to this by several parties since Beal testified. I then thought I could give the language, but on reflection, I cannot, any more than I have.

48. Q. When you thought you could give the language state what you then thought it was.

(Objected to; immaterial; incompetent. Should be confined to what he now remembers upon reflection. Objection overruled.)

A. In justice to the parties, I can't answer, as I am thoroughly convinced that I cannot give it any more definite.

49. Q. You have testified when your attention was called to it, you

then thought you could state what was said. What did you then think was said?

(Objected as before; and, also, counsel should not bull-doze his own witness. Objection overruled. Notaries differ.)

A. I wish to do neither of these parties injustice; I therefore decline to state what I then thought.

50. Q. Have you not stated since George Beal was sworn, to him, that he had stated accurately, or that in substance?

(Objected to; same as above. Objection overruled.)

A. I stated to him that I thought he was nearly correct. That's when I thought I could give the language.

51. Q. Did you not state to him at the same time, that when the contestee stated that he acted pleased, and you remembered just how he looked, or that in substance?

(Objected to; immaterial. Same objection. Objection overruled.)

A. No, sir, I did not.

52. Q. What did you say to him on that subject?

(Objected to; same objection; ruled same.)

A. I stated that Mason's remark was called out by the jocular remark made by a person in the crowd concerning the last vote. I told Beal that I remembered that Mason and Van Slyck smiled.

53. Q. Did you state to George Beal truthfully?

(Same objections. Same rulings.)

A. I stated to him as I then believed it to be.

54. Q. When was it you stated that to him; how many days ago?—

A. About Saturday noon last.

55. Q. You stated that you, on Saturday last, believed it to be true. Do you still believe it to be true?—A. I am quite undecided on that point. That is why I have testified as I have.

56. Q. Are you positive Mason was there and made a remark about negroes voting?

(Objected to. Gone over. Objection overruled.)

A. I am certain he was there and made a remark concerning the last (negro) vote. I don't think he used the word negro.

57. Q. Are you sure it was made to Van Slyck?—A. Quite sure.

58. Q. Is he the editor of a paper called the Democratic-Republican?

(Objected to as immaterial. Objection overruled.)

A. Yes, sir.

59. Q. Did he support contestee for member of Congress?—A. Yes; I suppose he did; he did in his editorials.

60. Q. Have you not stated that both he and contestee seemed pleased over the last vote, and that you remembered it, because you thought it strange when people generally knew that the negro was not a voter, or that in substance.

(Objection, and same overruled.)

A. No, sir; I've stated no such thing. I have sworn that I heard him make the remark, and he and Van Slyck smiled.

61. Q. Sir, do you know John E. Smith?—A. Yes, sir.

62. Q. Is he the district attorney of Madison County?—A. I know he is by repute.

63. Q. Is he the John E. Smith who appears here for contestee?

(Objected to as immaterial. Objection overruled.)

A. He is.

64. Q. How long has he been district attorney?—A. Over a year.

65. Q. Is Mr. J. J. Lamoree reputed to have been the district attorney of the county of Oswego prior to January 1, 1879?



(Objected to as immaterial. Objection overruled.)

A. I so understood.

(Counsel for contestant now offers in evidence the statute of the State of New York relating to bribery and the duties of district attorneys thereto.)

66. Q. Do you understand that this twenty-fourth Congressional district is composed of Madison and Oswego Counties?—A. Yes, sir.

67. Q. Were you at Utica at the time this negro was arrested before United States court?—A. Yes, sir.

68. Q. A witness against him?—A. I was.

69. Q. Was he held to bail?

(Objected to; immaterial. Objection overruled.)

A. He was.

70. Q. Did you hear the negro make any statements after he was held to bail, as to how he came to vote; if so, state what he said?

(Objected to; incompetent. Objection overruled.)

A. I heard him say he was sorry he voted. He shouldn't have voted if he hadn't been coaxed in to it.

71. Q. Did he not say he was not a voter?—A. I didn't hear.

72. Q. Have you or any other witness, to your knowledge, been suborned against him?—A. No.

73. Q. Was he held to appear at the January term at Albany?

(Objected to; immaterial. Objection overruled.)

A. He was.

74. Q. He is still in this village, is he?—A. He is.

75. Q. Is he not a barber?—A. I think he is.

76. Q. Does H. H. Keith, of this village, appear as one of the counsel of the contestee?—A. He does.

77. Q. Did he support Duffy on the day of election?—A. He did; he peddled votes and worked for Duffy.

Cross-examination by J. J. LAMOREE:

78. Q. Mr. Stapleton, do you reside here in the village?—A. I do.

79. Q. Your politics are Republican?—A. Yes, sir.

80. Q. You say your connected with the board on election-day as poll-clerk?—A. Yes, sir.

81. Q. So far as you know, was the election orderly, and conducted properly?—A. Yes, sir.

82. Q. Did you see any indications of money being used or improper influences being brought to bear in favor of Mason?—A. I did not.

83. Q. During the day did you have any reason to believe that money or other improper influences had been brought to bear for Mr. Mason?—A. Nothing except as I have testified here.

84. Q. I understand you to say you heard none of these rumors until election was over?—A. I so stated.

85. Q. Then up to the time the result in this election district was known you had heard nothing?—A. Nothing.

86. Q. Can you name any individual who supported Mason on election day, who professed to believe that money had been used by either side?—A. I do not know that I can.

87. Q. Then the rumors to which you have made reference so far as you know were assertions wholly arising among Mr. Mason's opponents?—A. I believe all were, except Mr. Welton.

88. Q. And did you hear Mr. Welton say anything until after the result in this district had been announced?—A. I don't think I did.

89. Q. Prior to the election did you not hear of much boasting and many predictions among Judge Mason's opponents with reference to the probable result in this election district?—A. Certainly.

90. Q. And was Mr. White, the counsel, one of the political prophets in this case?—A. No.

91. Q. Those predictions were indulged in by all Greenbackers?—A. Yes.

92. Q. Mr. Duffy you knew to be the Greenback candidate?—A. Yes.

93. Q. You did not understand him to have been the original nominee of that party?—A. No, sir.

94. Q. Who did you understand to be the original nominee?—A. Mr. Smith, I think.

95. Q. And after Mr. Smith had withdrawn, Mr. Duffy was substituted?—A. Suppose he was nominated by convention.

96. Q. Do you have knowledge as to whether he was nominated by second convention or substituted by district convention?—A. I have not.

97. Q. Do you know how the substitution of Mr. Duffy in place of Mr. Smith was received throughout the district among the Greenbackers of this district?

(Objection; incompetent. Objection overruled.)

A. No.

98. Q. After Mr. Duffy had been substituted in place of Mr. Smith, did you know of Mr. Duffy's being indorsed by the Democrats of the district?—A. I so understood it.

99. Q. Do you know how the indorsement of Duffy was received in this district by the Democrats?—A. I do not know.

100. Q. Did you understand the position of the Democratic party on the subject of the resumption of specie payments by the general government?

(Objection; immaterial, entirely foreign. Overruled.)

A. I understand they were not in favor of specie payment. In this State they did favor resumption.

101. Q. Do you not know that the Democratic convention in the State of New York in the fall of 1878 emphatically pronounced itself in favor of resumption of specie payment and as opposed to inflation?—A. I think they did.

102. Q. Did you not know or understand that Mr. Duffy upon the question of finance, and the Greenback party generally, were opposed to that resumption?—A. Yes, sir.

103. Q. Did you not understand then that the Greenback party and the Democratic party were opposed to each other upon the question of resumption?—A. They were.

104. Q. Did you know of Sebastian Duffy's making a speech at a public meeting in the village of Hamilton about the 23d day of October?—A. I did.

105. Q. Did you attend that meeting?—A. I did.

106. Q. Did you then and there hear Sebastian Duffy define his position and declare his opposition to that resumption?—A. I did.

107. Q. Did you know of his attack upon the national banking system publicly made at that meeting?—A. I did.

(Objected to as a whole. All the evidence as to resumption, and bank, and Mr. Duffy's opinions thereto are foreign to the issue—by Mr. White.)

108. Q. Did you know of Senator Boutwell, of Massachusetts, addressing a public meeting shortly before the election in the village of Hamilton?—A. I did.

109. Q. Did you hear him?—A. Yes, sir.

110. Q. Governor Boutwell spoke at Hamilton after Mr. Duffy?—A. Yes, sir.

Adjourned until half past one o'clock p. m.

Parties met pursuant to adjournment at 1½ o'clock p. m.

Cross-examination continued:

111. Q. Did you attend and listen to the speech of Mr. Boutwell?—A. Yes, sir.

112. Q. State as to size of meeting.—A. Large meeting.

113. Q. Attended generally by voters of all parties?—A. Yes; I guess they were.

114. Q. Was Mr. Boutwell's speech largely devoted to the discussion of the financial question?—A. Large part of it was.

115. Q. He advocated, did he not, a resumption of specie payment, and advocated the national banking system as the wisest and best system we could have?—A. Yes; he did.

116. Q. You have a national bank here in your town?—A. We have.

117. Q. Do you know the teller and cashier of the bank? If so, name them.—A. D. B. West, cashier; Maro Hubbard, teller.

118. Q. Are those two gentlemen prominent and well-known citizens here in the village?—A. They are.

119. Q. What are their politics?—A. Democrats, I believe.

120. Q. Did you learn how they stood upon this question of finance, as to whether in favor of the banking system or opposed, and of resumption or opposed?—A. Can't say as to only Mr. West; in favor of banking system and resumption.

121. Q. Was he not open and pronounced in his opposition to the principles of finance advocated by Mr. Duffy?—A. He was.

122. Q. Did you hear of his denouncing Duffy on the night of his (Duffy's) speech?—A. Yes.

123. Q. Do the stockholders, as you understand, of that national bank, reside at Hamilton and vicinity?—A. I don't know, but think the greater part.

124. Q. Are they, so far as you know, representatives of the Republican and Democratic parties?—A. They are.

125. Q. Did you understand that the Democrats, among themselves, were divided in sentiment as to the propriety of resuming specie payment?—A. Not very much. They were nearly all in favor of resumption.

126. Q. Then Mr. Duffy's theories of finance were not calculated to make him popular among hard-moneyed Democrats, I suppose?—A. No, sir.

127. Q. Was it not a subject of remark after the Duffy meeting in Hamilton that he had lost votes by coming to Hamilton and making that inflation speech?—A. There was statements made both ways.

128. Q. Were there not hard-moneyed Democrats in Hamilton who, from that time forward, severely criticised and denounced Mr. Duffy's ideas of finance as promulgated at that meeting?—A. Yes.

129. Q. You found some of them at the polls on election day voting against Mr. Duffy?—A. I so understand.

130. Q. Did you regard that fact as anything strange or unusual, considering they were opposed to Mr. Duffy's principles of finance?—A. Did not.

131. Q. Did not Mr. Boutwell's speech shortly before the election tend to strengthen the hard-money sentiment, and to confirm the vacillating and wavering vote in favor of hard money and resumption principles, in your judgment?—A. I think it did.

132. Q. You stated, upon your direct examination, with reference to the Kelloway Brothers expressing a disinclination to support Mason

some time before election. Could you state as to whether it was before or after Mr. Boutwell's speech?—A. Can't say.

133. Q. Did you see them or either of them at the meeting when Boutwell spoke?—A. Do not remember that I did.

134. Q. Are you able to state what effect, if any, Mr. Boutwell's exposition upon the financial question had upon the action of the Kelloway brothers?—A. Cannot state what effect it had.

135. Q. I understand that the Kelloway brothers had heretofore been Republicans?—A. They had.

136. Q. Did you see anything different with relation to their political action at the polls November 5 from what it had been years previous?—A. I don't know that I did.

137. Q. Was it not, some time before election, publicly asserted in the village of Hamilton, and by Inflationists or Greenbackers, that they would poll 150 Greenback votes at election in the town of Hamilton?—A. I think some of them put their figures as high as that.

138. Q. Do you know of their polling more than 26 votes?—A. I don't remember the number. Small amount in comparison to the number they claimed they would poll.

139. Q. Did the Kelloway boys, as you understood, support the whole Republican ticket?—A. They did.

140. Q. Did you discover that their action at the polls was any different toward Mason than that of the rest of the Republican ticket?—A. Not to my knowledge.

141. Q. Did you see William Kelloway at the polls very much of the day?—A. I did.

142. Q. Can you swear that he voted at all?—A. Cannot.

143. Q. Do you say that James Kelloway remained and worked at polls all day?—A. Don't think he did inside of room.

144. Q. Did you see anything strange or unusual with the Kelloway brothers?—A. No.

145. Q. You do not know of their having opposed Mason's election after Governor Boutwell was here?—A. Can't say as to that.

146. Q. You have spoken with reference to a rumor on election night with reference to the use of money; you may name the persons who charged that money had been used.—A. No distinct recollection as to particular ones, except Mr. Welton.

147. Q. Did Mr. Welton tell you what he knew with reference to it?—A. He did not.

148. Q. Did he tell you he believed that money had been used to corrupt the election?—A. Not those words.

149. Q. Could you, if called upon, give precisely what he did say?—A. Could not, precisely.

150. Q. When the Greenback vote had been counted, and the same ascertained to be so small, after the predictions which had been made by Greenback partisans, did you think it strange that they should cry money had been used?—A. No; I presume that was a natural consequence.

151. Q. Did you not regard it as a mere political excuse, growing out of the situation?—A. I did not wholly.

152. Q. What did you know with reference to the use of money having been used on election day, if anything?—A. I did not know anything.

153. Q. Did you regard those rumors as anything more than what comes usually from a defeated party?—A. I did not, except there was more of them.

154. Q. Do you mean by that they were in proportion to the increased disappointment?—A. Disappointment and rumors about equally balanced.

155. Q. You were asked, in your direct examination, if the rumors which you heard were general; you seemed disinclined to define that term; you may state, now, all that you can with reference to those rumors, naming the persons, so far as you know, engaged in putting them afloat.—A. I know of no persons engaged in putting them afloat. I only heard these remarks on several occasions.

156. Q. Did you hear them from any person who professed to know of the use of money on either side?—A. Yes; I think I did.

157. Q. You may state that person and what he said covering the day of election or any time thereafter during the month of November.—A. For one I heard John Kennedy say he knew that parties had been bought.

158. Q. Did he state how he knew that?—A. He did not.

159. Q. Did he state who had been bought?—A. I believe he said Charles Kelloway. Can't state none others.

160. Q. Did he state when the money was paid, where it was paid, or by whom it was paid?—A. He did not.

161. Q. Did he state how he knew that he had been paid?—A. He did not.

162. Q. Kennedy had been warmly enlisted in behalf of Mr. Duffy?—A. I believe he had.

163. Q. Do you know how far his partisan feeling and consequent disappointment on his part contributed to that declaration?—A. I do not.

164. Q. Do you know of any other person who stated in your presence that money had been used?—A. Yes, sir; W. K. Lippit.

165. Q. Did that remark have any relation to the \$100 which Mr. Duffy had placed in his hands for political purposes?—A. No.

166. Q. You have understood, have you not, that gentleman received \$100 from Duffy?—A. I have since this examination commenced.

167. Q. Now, you heard him say that men had been bought on the other side?—A. I did.

168. Q. Did he say how he knew it?—A. Yes.

169. Q. Did he mention those who were bought?—A. He did one.

170. Q. Who did he mention?—A. Michael Brogan.

171. Q. Did he say who bought Michael Brogan?—A. He did.

172. Q. Who did he say bought Brogan?—A. E. B. Mott.

173. Q. Is E. B. Mott a Democrat in politics?—A. He is.

174. Q. Do you know of any other man who told you he knew of money being used?—A. Do not remember of any just now.

175. Q. Are these the rumors to which you refer?—A. Some of them.

176. Q. Can you name another person who contributed to that rumor?—A. Yes; H. H. Keith.

177. Q. What was his politics?—A. A Republican or Greenbacker.

178. Q. Was he actively interested in behalf of Mr. Duffy?—A. He was.

179. Q. Do you know how far his disappointment contributed to his declaration?

(Objected to upon the ground that question reflects upon Mr. Keith, who is now one of counsel for contestee.)

A. No, sir.

180. Q. Do you know that there was any truth in fact as to any of these rumors?—A. I do not.

181. Q. Your attention in the direct examination was called to one

Hollingsworth; who did you say brought that man to the polls?—A. E. Watts Cushman.

182. Q. You stated that Mr. Cushman was a member of the Republican county committee?—A. I did.

183. Q. Was there also a member of the county committee for the Greenback party in Hamilton?—A. Yes; I believe there was one.

184. Give his name.—A. Inclined to think it was Rowlands.

185. Q. Was there one representing the Democratic party?—A. Don't know; think Lippitt was chairman of county committee.

186. Q. Then, as you understood it, Mr. Duffy had two committeemen working for him that day?—A. Yes.

187. Q. Mason had but one?—A. To my knowledge.

188. Q. Did you understand it the special duty of those committeemen to get out the vote on that day for their respective parties?—A. I suppose that to be one of their duties.

189. Q. Did you understand also that the respective parties supplied their committeemen with sums of money to be used in martialing that vote and bringing it to the polls?—A. Yes, excepting as to the word martialing.

190. Q. Did you know of the committeeman for the Democratic and Greenback party in Hamilton on election-day bringing voters to the polls and seeking to advance their party interests?—A. I do, the Democratic committeeman.

191. Q. Was there anything unusual, then, in the fact that Mr. Cushman should bring a voter to the polls?—A. No, sir.

192. Q. You don't know how much money had been distributed to any of these committeemen?—A. I do not.

193. Q. You say Hollingsworth swore in his vote.—A. He did.

194. Q. No unusual thing for votes to be sworn in here?—A. No, sir; quite usual.

195. Q. Then you saw nothing unusual in the fact that Mr. Cushman should accompany a man to the polls, and that the voter should swear in his vote?—A. No, sir.

196. Q. You have known Mr. Cushman for several years, and as a credible man?—A. Yes, sir.

197. Q. What did you see at the polls that was unusual with Hollingsworth, except the fact that some said he was not a voter?—A. Nothing.

198. Q. Judge Mason, so far as you know, did not approve or induce Hollingsworth to come to the polls?—A. Not to my knowledge.

199. Q. Was Judge Mason at the polls when that vote was received?—A. No recollection of his being at that time.

200. Q. Judge Mason was a gentleman in feeble health at that time, was he not?—A. Yes, sir.

201. Q. Did you know of his doing very much work at the polls that day?—A. Not a great deal.

202. Q. Do you not understand that some time prior to Hollingsworth appearing at the polls Judge Mason had gone to his home?—A. I so heard it stated since this examination began.

203. Q. So far as you have knowledge that is true, is it not?—A. Have no knowledge about it.

204. Q. How far did Judge Mason reside from the polls?—A. An eighth of a mile.

205. Q. While you were canvassing the votes, I understood you to say Judge Mason was present?—A. He was.

206. All of the time?—A. Can't say he was all the time.

207. Q. What were you canvassing when he took his seat?—A. I think he took his seat when we first began to canvass.

208. Q. Did he not make his first appearance when you were counting the State vote, and comparing them with the tally on register?—A. He may have. That's about the time I should put it, as that's the first thing we do.

209. Q. You say there was something said there with reference to the last vote cast?—A. There was

210. Q. Do you know how many votes were cast?—A. I cannot tell now.

211. Q. Was it not said just before the polls closed there had been 499 votes cast, and one more would make 500?—A. Did not hear any such.

212. Q. Was there anything said about getting one more vote?—A. Don't remember.

213. Q. Was it announced ten minutes before the polls closed they would close in ten minutes?—A. No, don't believe it was.

214. Q. Were not all of these committeemen and their assistants hurrying up voters, that their votes might be cast in time and before the polls closed?—A No; I don't know as they were hurrying. No object in hurrying. There had been a lull in voting.

216. Q. You understood the polls would close at sundown, and that whoever voted must vote before that time?—A. Yes, sir.

217. Q. And did you not understand that the work of these committeemen of the respective parties would continue until the polls closed?—A. I so understood it.

218. Q. And was there no strife there as to hurrying up delinquent voters?—A. Not that I saw.

219. Q. Can you say there was none?—A. Yes, sir; no strife as to hurrying them up, but strife to see which party would get them.

220. Q. Did you understand that the Democrats were indignant because Hollingsworth had voted, or because he had not voted for their candidates?—A. I presume it was both.

221. Q. You don't assume to know who it was brought up the question in reference to the last vote?—A. Not the last vote, but general vote.

222. Q. Then the jocular remark did not relate to the last vote cast?—A. Don't think it did.

223. Q. Did you understand that Mason's remark was a rejoinder to the jocular expression?—A. No, sir.

224. Q. Did you understand Mason's remark referred to what was said in a jesting manner?—A. No, sir.

225. Q. Do you assume to know at this time how the question with reference to this last vote came up there?—A. Don't know; only what I think.

226. Q. The fact that this man was a negro was not raised there at the time of Mason's remark?—A. No, sir.

227. Q. The question as to his being a negro was not raised?—A. No, sir.

228. Q. How do you know Mason's remark referred to the negro?—A. Because he referred to the last vote and that was the negro vote.

229. Q. Do you remember the exact words Mason employed when speaking of the last vote?—A. I cannot tell.

230. Q. Then can you swear he did not have reference to the last vote polled before he went to tea?—A. No; I did not understand it so.

231. Q. Can you swear that you understood correctly?—A. No, sir.

232. Q. Can you swear he did not have reference to the last vote polled before he went to dinner?—A. Yes, sir.

233. Q. Can you swear positively what vote he had reference to?—A. No, sir.

234. Q. You say on your direct examination that upon reflection you have more doubts as to the correctness of the testimony of George Beal, given on Thursday last, while giving the language of Judge Mason, than you had at the time your attention was first called to his testimony?—A. No, sir; I did not testify any such thing. Upon reflection, I cannot give the language employed by Judge Mason.

235. Q. When did George Beal come to talk with you on this subject?—A. He did not come to talk with me. I met him and stepped into his store.

236. Q. Did you, on election day, hear Hollingsworth swear that he had been in the county four months?—A. Yes, sir.

237. Q. And can you now swear that he had not?—A. No, sir.

238. Q. Then you can't say now but that Hollingsworth swore truthfully so far as your knowledge goes?—A. No; not so far as my knowledge goes.

Redirect by S. D. WHITE:

239. Q. Was it your understanding, as you heard Mason use the remark, that he had reference to the negro vote?

(Objected to.)

A. He did not refer to the negro by that term.

240. Q. Was it your understanding at the time that he made the remark that he referred to the negro voter?

(Objection repeated. Overruled.)

A. He did not use the term negro, but referred to the last vote, and the last voter was a negro.

241. Q. You have now stated what Judge Mason said; now state to whom did you understand him to refer?—A. To the person who voted last.

242. Q. On your cross-examination you have stated that Judge Mason made a remark; now state your best recollection as to what that remark was.—A. I cannot give the language.

243. Q. Give it as nearly as you can.—A. I can't give it no nearer than I have.

244. Q. Relate what was his language, as you've already stated.—A. That it referred to the last person who voted.

245. Q. Did Judge Mason use the language—referred to the last person who voted?—A. No, sir.

246. Q. Then state as nearly as you can what words he did use when he spoke to Van Slyck.—A. I decline to attempt to give the language of Judge Mason.

247. Q. Give it as nearly as you can from recollection.—A. I have already.

248. Q. I do not remember how you have given it; please state it again.—A. It referred to the last person who voted.

249. Q. You have said once you did not use the words referred to the last witness; now please state as nearly as you can the words he did use.—A. Then I shall have to state several remarks that might have been said.

250. Q. State all you can remember that was said in that conversation relating to the last voter.—A. I will do so, with the understanding I cannot swear exactly what was said. He used the words "last and



vote"; not sure of any but "last and vote"; am not positive as to those.

251. Q. Did Mr. Mason use the words "last vote"?—A. As near as I can remember.

252. Q. Did he use other words?—A. Yes.

253. Q. What other words did he use?—A. I don't know.

254. Q. State your best memory.

(Objected to witness stating things he don't know.)

A. I have no best memory.

255. State your best memory.—A. I haven't memory enough to state anything.

256. Q. Why, then, did you state that he used other words than "last vote"?—A. Because those two words alone do not mean anything; 2nd, because it was a longer expression than those two words would make.

257. Q. State your best memory as to what that longer expression was.—A. No memory about it.

258. Q. If you have no best memory, state your memory.—A. My memory is not clear enough on that point to give any language used.

259. Q. Wan't the words "last vote" used?—A. That's my best recollection.

260. Q. Will you say he did not use the words Beal testified he did, "Watts made that vote quick"?—A. I will not.

261. Q. Is it not your best belief and recollection that those were the words used?

(Objected to as to belief. Overruled.)

A. It's not my best recollection, for I have recollection of other words.

262. Q. You now state that you have a recollection of other words equally with the recollection of those words. What other words have you recollection?—A. "That last vote was got in in time."

263. Q. Who made that remark?—A. I don't say that anybody did.

264. Q. According to your best recollection who made them?—A. Judge Mason made them if anybody did.

265. Q. Now, sir, did you say to Mr. Beal, "your testimony was correct"?—A. Yes, sir; substantially that.

266. Q. And did you say that to him voluntarily and without his asking?—A. Yes, sir.

267. Q. When you said to him he was correct in his testimony upon that subject did you understand that he had sworn that Mason said, referring to the negro voter, "Watts made that vote quick"?—A. Substantially that.

268. Q. You have testified that you heard two persons say money had been used; among the rest you named Mr. Lippitt as having said so; did he give any other reasons why he knew money had been used than you have stated with Brogan?

(Objected to; counsel assumes the fact not proven; evidence immaterial and incompetent. Objection overruled.)

A. He said that E. B. Mott told him that voter cost him just \$2.

269. Q. Is E. B. Mott a Democrat?—A. He is.

270. Q. Was he at work for Mr. Mason on the day of election?—A. So I understood him to be.

271. Q. So voted, did he not?—A. Can't say.

272. Q. Has this Michael Brogan been understood to be a purchasable voter?

(Objected to. Immaterial. Incompetent. Objection overruled.)

A. I've heard such reports concerning him.

273. Q. Was he understood to be a Democrat and a poor man?—A. Yes, sir.

274. Q. Did you hear him say that he saw Mott taking him away and down into his store?—A. No, sir.

275. Q. Did he not state at that interview or some other that there was a large amount of money used in this election district?

(Objected to. Hearsay and incompetent. Objection overruled.)

A. I have heard him express his belief to that effect.

276. Q. In whose interest?

(Same objections. Objection overruled.)

A. Mr. Mason's.

277. Q. You stated in your response to Mr. Lamoree that you heard it said Charles Kelloway was bought. By whom did you hear that said?—A. John Kennedy.

278. Q. Did you hear others make that remark?—A. Yes.

279. Q. On the evening of election and from that time up to now has it not been very often asserted that all the Kelloway boys were bought, including those you named, in the interest of Mason?

(Objected to. Hearsay. Immaterial. Objection overruled.)

A. Yes; all but Frank, who lives at Poolville.

280. Q. Were your relations with them such that if they had changed their views in relation to Mr. Mason before the day of election that you would have been likely to have known of the change?

(Objected to. Witness cannot know the views or intentions of the gentlemen. Incompetent and hearsay. Objection overruled.)

A. My relations with them were intimate and I should been likely to have known their views.

281. Q. You knew of no change in their views until you saw them at the polls?—A. No, sir.

282. Q. Have you heard either of them say since as to the cause of the change?—A. No, sir.

283. Q. Have you not heard it said that they had purchased votes?—A. No.

284. Q. You stated upon your cross-examination that H. H. Keeth stated that money had been used in Mason's interest?—A. Can't say times. Presume before and after election.

285. Q. What did Mr. Keeth say before election?

(Objection. Improper. Does not prove the existence of any fact. Objection overruled.)

A. That money would be used.

286. Q. In whose interest did he say it would be used?

(Same objections; same ruling.)

A. Judge Mason's interest.

Q. 287. State how soon after election you heard him say money had been used?—A. Can't say. It was not month; might have been day.

288. Q. What did he say?—A. Substance of it was, money had been used in Mason's interest.

289. Q. Did he not say this, or this in substance, that the vote Mason got in this election district cost him \$500?—A. Can't say that he did.

290. Q. Is that your best recollection?—A. It is not.

291. Q. Do you think he named any sum?—A. Sums been named, but can't identify them with Keeth or any other party.

292. Q. You state you have heard various sums used by Mason and his friends; now what sums have you heard named.

(Same objections as heretofore. Objections overruled.)

A. All the way from \$500 to \$2,000 had been used in the county.

293. Q. What sums have you heard had been used in Oswego County?

(Same objections. Objections overruled.)

A. I have heard that \$1,500 was put into the hands of the Oswego County committee.

294. Q. You have stated that a Republican (Mr. Edward Welton) stated that money had been used in Mason's influence; what did Welton say and when did he say it?—A. I don't know what he said or when he said it, except that it was after election.

295. Q. State as nearly as you can when he said it.—A. From one to ten days after election.

296. Q. State as nearly as you can what he said.

(Same objections as to like evidence. Objections overruled.)

A. I haven't any idea except the substance was that money had been used in Mason's interest.

297. Q. E. B. Mott has been spoken of; have you not heard it stated that he made his boasts soon after election that he bought for Mr. Mason nineteen votes?

(Objected to; incompetent and hearsay what he has heard that Mott said.)

A. I have no recollection of hearing him say so, or that he had said so.

298. Q. You were interrogated by counsel upon cross-examination as to what persons you had heard say money had been used in Mason's interest, and you named Welton, Keith, Kennedy, and Lippitt. Now state others if you can.—A. Don't remember others.

299. Q. Is it your recollection that there are others, but you cannot remember their names?

(Same objections; overruled.)

A. Yes.

300. Q. You stated that Mr. Smith is the district attorney of this county, and that Mr. Lamoree is the ex-district of Oswego; now, sir, state whether or not it has been frequently talked that the prosecution against Hollingsworth and certain students that were arrested ceased through the influence of Mason and his friends, with a view of aiding him in this contest?—A. I so heard it stated.

301. Q. What have you heard stated?—A. I have heard that the prosecutions against Hollingsworth and certain students was suppressed in Mason's interest.

Adjourned until 7.30 p. m.

Redirect examination of Mr. STAPLETON resumed at 7.30 p. m.

302. Q. Now you say the election was orderly; don't you remember, as one Charles Johnson came to the polls with tickets in hand, that one Eli Barber took him by the collar and took him nearly across the hall?—A. I do not.

303. Q. Do you remember any occurrence about Johnson's voting?—

A. No.

304. Q. Do you think that the reason why you do not remember the occurrence was because such occurrences was so common on that day in interest of Mason?—A. No; I was so busy.

305. Q. You have heard the name of Edward Lamb mentioned?—A. Yes.

306. Q. Has he always been a Democrat?—A. Yes.

307. Q. I think you were made to say by the adroit question of Mr. Lamoree that you saw no indications of money being used in the inter-

est of Mason; did you not regard the sudden change of the Kelloway boys to indicate money had been used?

(Objected, incompetent and immaterial. Objection overruled.)

A. I testified I saw no indications of the use of money except as I had testified.

308. Q. When the Kelloway boys spoke of not voting for Mason did they not uniformly speak with a good deal of feeling?

(Objections, immaterial and incompetent.)

A. Yes, sir; sometimes.

309. Q. Did they not principally base their hostility on personal grounds on account of ill-treatment?—A. That was prominent among their denunciations.

310. Q. Was this Charles Kelloway apparently one of the officers of the Duffy meeting?—A. He was; usher, I think.

311. Q. Who was chairman of the meeting?—A. H. H. Keith.

312. Q. Did you not regard the fact of so sudden change in the Kelloway boys as an indication of the use of money or some other improper means?

(Objection; improper; no evidence as witness regarded. Objection overruled.)

A. I supposed some purchase had been brought to bear; I did not know what.

313. Q. Was it not generally talked among Democrats that Mr. Duffy had been a life-long Democrat?

(Objection, hearsay. Objection overruled.)

A. Yes, sir.

314. Q. And that, although he had some Greenback heresies, yet that he would be safer than a Radical partisan Republican?—A. No.

315. Q. Did they talk that they preferred Mason to Duffy?—A. Those who wanted to beat Duffy preferred Mason, and those who preferred Duffy wanted to beat Mason.

316. Q. The contest over member of Congress was based upon the like and dislike of Mason?—A. It was here to some extent.

317. Q. As near as you can judge, how many Republicans voted against him?

(Objection, immaterial, incompetent; witness shown qualified to speak. Objection overruled.)

A. Quite a number; can't say how many; from ten upwards; perhaps twenty.

Recross-examination by J. J. LAMOREE:

318. Q. Of your own knowledge, do you know of one that voted against him?—A. Don't know of one unless a Greenbacker.

319. Q. What you say of the number that voted against Mason you speak only from rumor?—A. I have not testified that any voted against Mason. I intended to confine my testimony to those who did not vote for Mason.

320. Q. And some of those, as you understand, did not vote at all that day?—A. Some of them did not vote the Congressional ticket; some voted blanks.

321. Q. Do you know of any Democrats who voted blanks or refused to vote a Congressional ticket?—A. I do not.

322. Q. Can you swear there was not twenty?—A. Yes.

323. Q. Were there not any?—A. Yes.

324. Q. Can you name five Republicans who did not vote for Judge Mason?—A. Don't know that I can now.

325. Q. Were there not, in your judgment, as many as fifty Democrats who did vote for Mason?—A. Not so many as that.

326. Q. How many Democrats, hard-money Democrats, voted for Mason?—A. Shouldn't say over twenty-five or thirty.

327. Q. From what you know of or concerning that election, will you swear that there were not more than fifty hard-money Democrats who voted for Mason?—A. No, sir.

328. Q. Judge Mason has been a prominent lawyer of Hamilton for upwards of twenty years; has he not?—A. He has, ever since I have known him.

329. Q. As you understand, he has been judge of Madison County?—A. Yes, sir.

330. Q. His business relations, as you understand them, as well as his social relations, have extended into Democratic circles as well as Republican, have they not?—A. Yes, sir.

331. Q. And did you think it an evidence of fraud that his former clients and Democratic neighbors should support him for Congress in preference to Sebastian Duffy, who resided nearly a hundred miles away?—A. No; I considered it no evidence of fraud.

332. Q. Is it any more than you would expect, from your neighbors and personal friends under like circumstances?—A. Not more than I should expect from personal friends, but should not expect it of neighbors.

333. Q. Do you understand the contestee to be a brother of the Hon. Charles Mason, long a member of the court of appeals of this State, who was also for many years a resident of Hamilton; do you not?—A. Yes, sir.

334. Q. And do you not know or believe that the influence of Charles Mason, growing out of the high esteem in which he has been held by the people of Hamilton, contributed in a measure to the support of his brother on election-day?—A. I do not. I suppose Mr. Mason able to stand upon his own reputation.

335. Q. How many Republicans can you now name who, of your own knowledge, withheld their votes from Judge Mason and refused to vote for Representative in Congress?—A. I am certain of only one, but think of but one more. I know of only one positively, but there were others.

336. Q. I understood you to say, upon your direct examination, that your recollection as to what Judge Mason said while canvassing the votes is so indistinct that you cannot give but two words?—A. Only positive as to those two.

337. Q. Those two words, as you now remember them, were "last vote"?—A. Yes, sir.

338. Q. How they came to be spoken, and what words preceded them or immediately followed them, you are unable to state?—A. I am not able to state.

339. Q. Was there considerable talk, and more or less pleasantry indulged in around that canvassing table and in the room during the canvass?—A. There was.

340. Q. And was that pleasantry indulged in generally by those present?—A. It was.

341. Q. Did you hear more or less conversation and general jesting with reference to the events of the day on that occasion among those present?—A. Yes, sir.

342. Q. Was not political corruption, both in the Republican and Democratic parties, generally charged by the Greenbackers during the

campaign?—A. Didn't apply to the Democratic party, as they were united here.

343. Q. Did you not understand during the campaign that Sebastian Duffy, prior to his indorsement by the Democratic party, stumped a portion of the district as a genuine Greenbacker, and at different meetings publicly denounced the Democratic party by declaring that all thugs, thieves, gamblers, rum-sellers, and corrupt elements of the day were found in the Democratic party; and that for seven years at least he had been ashamed to look an honest man in the face by reason of his party affiliations, or words to that effect?—A. No.

344. Q. Did you know what grounds did Duffy assign for having left the Democratic party?—A. No, sir; I do not.

345. Q. Your attention has been called upon your redirect to what Mr. Lippitt told you with reference to E. B. Mott's purchasing Michael Brogan's vote. You stated that E. B. Mott was a Democrat.—A. Yes, sir.

346. Q. Did you understand that Mr. Mott supported the Democratic State ticket?—A. I have no knowledge upon that point.

347. Q. Have you any reason to believe that aside from Congress he voted any portion of the Republican ticket?—A. No, sir.

348. Q. Did you learn of his advocating any other ticket than the Democratic ticket?—A. Did not; only the Congressional.

349. Q. Did you learn whether Brogan voted the Democratic ticket or not, the same as Mott, aside from Congressional?—A. I do not.

350. Q. Do you know whether it was Democratic or Republican money that Brogan got, if any?—A. No, sir.

351. Q. Do you say, sir, that Brogan's vote has always been Democratic and in the market?—A. Hardly that.

352. Q. How would you like to be understood on that question?—A. As I have previously testified.

353. Q. Did you ever know of Brogan's selling his vote in his life?—A. No, sir.

354. Q. Do you say, sir, that Lippitt, at the same time that he told you about Brogan, told you that a large sum of money had been sent into this assembly district by the Republican party for election purposes?—A. I don't remember whether he told me then or at some other time.

355. Q. Do you know, sir, whether Lippitt voted for Mason or not?—A. No, sir.

356. Q. Did he tell you how he knew money had been sent into this assembly district by the Republicans?—A. He did not.

357. Q. Did he tell you anything with reference to political funds which had come into his hands?—A. He did not.

358. Q. Did you ask anything with reference to the Duffy check, or money which he received from Duffy?—A. I did not.

359. Q. Did you not understand he had received money for political purposes?—A. No; I didn't so understand it.

360. Q. Did you not understand, sir, that nearly or quite all the money raised by the Democratic party for political purposes, in Madison County, came into his hands as chairman of the county committee?—A. I understood it would had there been any. Did not know there was any.

361. Q. Did you ever have any conversation with Lippitt on that subject?—A. I did not.

362. Q. When was this conversation with Lippitt, and where was it?—

A. In his store, just a few days after election. I dropped in to talk with him.

363. Q. Did you drop in there to have a little sport with him upon his political disappointment regarding the general result of the election?—A. I am in the habit of dropping in there frequently. Don't know that I had any special object on this occasion.

364. Q. And did you, on that occasion, remind him of the result of the election?—A. Presume I did.

365. Q. And did Lippitt undertake to explain to you how it came about that they were defeated?—A. Partly, yes, and partly, no.

366. Q. What did he tell you?—A. Don't remember other than I have testified, that money was used in Mason's interest.

367. Q. Did he say how or where it was used?—A. Only the instance of Brogan.

368. Q. Do you say that Charles Kelloway ever uttered a word in favor of the election of Mr. Duffy, in your presence, after Duffy made his inflation speech in Hamilton?—A. Can't say that he did.

369. Q. Haven't you heard it said that on that night he declared his intention not to support Duffy?—A. Yes; since these proceedings began.

370. Q. Do you profess to know what influence Charles exerted over his brothers upon the same subject?—A. I do not.

371. Q. If your relations are so intimate that no change in their politics could take place without your knowing it, is it not altogether probable that, had they received money for political purposes, you would have known that as well?—A. No, sir.

372. Q. I understood you to say that you did not know of any money having been paid to those boys for political purposes?—A. I so stated.

373. Q. How soon after the election did you know of Duffy's being down here?—A. About Thanksgiving day.

374. Q. And has not the most you have testified to with reference to the rumors come to your knowledge since that visit?—A. No.

375. Q. Has any portion of it?—A. Yes.

376. Q. Can you tell which portion?—A. No, sir.

377. Q. But it has mainly come from persons actively interested in behalf of Mr. Duffy, has it not?—A. Can't say it has mainly; some of it has.

378. Q. Is not Mr. Lippitt actively interested in this matter, as you understand?—A. Taking his version, I should say no. I think his sympathies are with Duffy.

379. Q. Has he not conferred with you upon the subject in the interest of Duffy since this contest arose?—A. No, sir.

380. Q. Do you not know of his having, on several occasions, conferred with Mr. White, Mr. Duffy's counsel, upon the subject of this contest?—A. I have no knowledge of it.

381. Q. Have you not so understood in conversation with others?—A. Only what has been brought out in this proceeding.

382. Q. Can you say that Mr. Lippitt has not been actively engaged in this case since the contest arose?—A. Cannot.

383. Q. Has not John C. Kennedy interested himself in behalf of Mr. Duffy, as you understand?—A. Don't understand that he has.

384. Q. Do you pretend to know whether Kennedy's statements to you were founded in fact or fiction?—A. I do not.

385. Q. Who told you that \$1,500 had been sent to Oswego in behalf of Mason?—A. Mr. Grosvenor, I believe, was the first man I heard speak of it.

386. Q. Did he say that it was sent, or he had heard it was sent ?  
—A. Heard it was sent, I suppose.

387. Q. Was that before or since Duffy came down here about Thanksgiving ?—A. Before election.

388. Q. How long before election ?—A. Perhaps a week.

389. Q. Did your informant profess to know whether that was true or not ?—A. Simply made statement.

390. Q. Did he say to whom it was sent ?—A. To county committee of Oswego County.

391. Q. Who have you heard say that Mr. Mason's election must have cost him from \$500 to \$2,000 ?—A. Substance of Mr. Keith's remarks I think.

392. Q. Do you know what Keith said ?—A. Can't give language.

393. Q. Did he profess to know, or simply to venture a prediction ?  
—A. Simply made statement.

394. Q. Can you name any other person who specified an amount ?—  
A. I can't.

395. Q. Do you know Eli Barber ?—A. I do.

Adjourned until 9 o'clock a. m. February 25, 1879.

Parties met, pursuant to adjournment, at 9 a. m. Witness Stapleton not present.

Contestee demands the production of the witness for further cross-examination, and asks Mr. White to produce him.

The contestant states that the contestee said or declared he was about through with the witness, and further knows no reason why the witness is not present for further redirect examination, except the fact that he is a Republican and in the interest of the Republican party of this place, and interested in suppressing the bribery alleged to have been committed in this place in behalf of Mr. Mason, and has been hired not to appear by one or the other of the district attorneys of either one of the counties in the interest of the contestee.

All of which is respectfully denied by contestee.

Parties met, pursuant to adjournment, at 1½ o'clock p. m. February 26, 1879, Wednesday.

Recross-examination resumed.

C. W. STAPLETON witness:

396. Q. Since giving your testimony, witness Thos. Beal has connected your name with those who went to Auburn, and subsequently to Utica, on different occasions, for the purpose of prosecuting criminally certain persons residing at Hamilton whom he denominated students; is that statement correct ?—A. Yes; I went to those places.

397. Q. You may make any statement which you may choose regarding your relations to that matter.—A. Mr. W. K. Lippitt called me from the office one night about ten o'clock; said his party were going to test the right of students to vote; that they desired the poll clerks, as they were the proper parties, to start for Auburn the next day, and to there testify before the United States grand jury that students had voted. Said they had no subpoenas, but if I would go without one, save them the bother and delay of obtaining any, they would bear the cost of the journey. Supposing that if subpoenaed should have to pay my own expense, not having any desire to do that, I consented to go at theirs. I had no desire or inclination to have students prosecuted; knew nothing of intended prosecution until that night; took no part in subsequent



prosecution except in the capacity of witness under subpoena. Done as I did as a matter of economy to myself, knowing that it could make no difference with what might follow; have since learned it was no economy as witnesses to United States courts are paid sufficient to cover expenses.

398. Q. Did Mr. Lippitt pay your expenses?—A. No sir. Thomas Beal had the funds, and footed the bills.

399. Q. Where did you understand the money came from?—A. I understand it came from Democratic campaign fund.

400. Q. Did you understand how those funds came in Beal's hands?—A. Did not know anything about it.

401. Q. I wish you would name the parties going to Auburn.—A. Thomas Beal and myself only. Perhaps I should, in justice to Beal and Lippitt—I will say—that they did not express a wish to prosecute all students who had voted, and two students were selected to be presented to the jury—the one a married one, and the other a single one—to make test cases of. I heard expressions to that effect altogether, and not that the whole body was to be prosecuted.

402. Q. I understand from what you have said that there were doubts resting upon the Democratic minds upon the question of the eligibility of those students as voters at Hamilton, and to settle those doubts and determine the rights of those students this action was taken with a view of getting a judicial decision upon the question?—A. The last part of the question bears the correct meaning, but the former not wholly, as to what I understood.

403. Q. And in what manner would you change or answer the first part of my question?—A. These persons seemed to have no doubt on that point as to their right to vote, and that they did not think them voters.

404. Q. You did not understand that the question as to how they voted, or for whom they voted, entered into the matter in any form, did you?—A. I inferred something of that kind, but nothing was said.

405. Q. You may state the inference upon that question.—A. That if they had been Democrats they would not have been so anxious for a judicial decision.

406. Q. Then you understand that that action was inspired by partisan feeling to some extent?—A. I do.

407. Q. And do you believe that any one of those students would have been arrested by these parties had they all voted the Democratic or Greenback ticket?—A. I do not.

408. Q. And do you know now how those students voted?—A. No positive knowledge.

409. Q. Do you understand that those who were arrested were regarded by the active parties in the prosecution as having voted the Republican ticket?—A. I did.

410. Q. Did you know of any one, black or white, having been arrested who was supposed to have voted the Democratic or Greenback ticket?—A. I did not.

411. Q. Then you regarded the personal safety and protection of those men in a measure dependent upon how they should vote at the polls on election day, did you not?—A. Yes; in a measure.

412. Q. Have you reason to believe that any one of those students did not cast his vote under a conscious belief that he was a legal voter in the village of Hamilton?—A. I think they thought they were entitled to vote.

413. Q. Did you not know, or have you not learned since the election,

that those votes were cast after the voter had received legal counsel as to his illegality?—A. As I so understood.

414. Q. Did you not understand, or have you not since learned, that contestee kept a number of students on election day from giving him their support by advising them that, in his judgment, under the rulings and decisions of Judge Wallace and the surroundings of their respective cases they were not eligible as voters in Hamilton?—A. Have not heard the ground upon which he gave advice, but have understood since this investigation began that he advised a great number not to vote.

415. Q. And have you any doubt as to that fact?—A. I have not, but have not positive knowledge.

416. Q. Did you hear Mr. Keith or Mr. Welton at any time charge that money had been used to secure the election of Judge Mason or any other candidate on the Republican ticket through corrupt or improper means?—A. Do not think they used the terms corrupt or improper.

417. Q. Did you hear them use or either of them use equivalent terms? And if so, you may give them.—A. Do not think they used any terms.

418. Q. Repeated. Did they use equivalent terms?—A. Don't think I heard them use any terms whatever concerning the manner in which money had been used.

Redirect by S. D. WHITE:

419. Q. When Mr. Keith said what he did in relation to the use of money of Judge Mason or his friends, did you understand him to have reference to or mean the use of money for corrupt or improper purposes?

(Objected to. Immaterial, incompetent. Should give what was said, and Congress should draw their intent and inference. Objection overruled.)

A. Understood him to mean both legitimate and illegitimate expenses.

420. Q. Do you say the same as to your understanding as to what Mr. Welton meant when he said it had cost Mason a pile of money?

(Objections same as to last question. Rulings same.)

A. Yes, the same answer.

421. Q. When each and all of the persons you have spoken of as having said that Mason, or those working in his behalf, had used money, did you also understand that they and each of them had reference to the legitimate and to the illegitimate use of money?

(Objections same. Rulings same.)

A. Yes.

422. Q. You said you had no positive knowledge as to how the students voted. State what knowledge you have, if any, from the appearance of their tickets, and what was said and done when they each respectively voted.

(Objected to. Immaterial, incompetent. Witness should be confined to facts, not to conclusions. Objection overruled.)

A. I suppose they voted the Republican ticket, from the appearance of their tickets and the subsequent prosecution. Also, from the challenges and what was said at the time they voted, and from their ordinary common sense.

423. Q. In other words, do you wish to be understood that the fact that they voted the Republican ticket at the last election was an indication that they had common sense, and that if they had voted the Democratic ticket they would not have had common sense?—A. I wish to

be understood that when one votes a Republican ticket, in my estimation, it is a presumption that the voter has good sense.

424. Q. Do you not also mean to say that when he votes the Democratic ticket he does not indicate that he has good sense?—A. Don't mean to say anything on that point.

425. Q. Did you think that all of the students who have been named voted the Republican ticket?—A. All but one; he did not vote Congressional ticket.

426. Q. Did you understand that the reason why he did not vote the Congressional ticket was because Mr. Underhill or some one else had advised him or some of the students not to vote the Congressional ticket because he or they could not perhaps be protected in the United States courts, but that they would be safe in voting the State ticket, that they could be taken care of, shielded, and protected before a Madison County grand jury, and with the present district attorney of the county; if you did not understand all of that? If so, state what part.

(Objected to. Contestant's counsel is trying to annoy the witness, consume time, and to destroy his client's prospects in Madison County, by turning the matter of this contest into a farce, at the expense of Mr. Duffy, whom he represents.

The contestant here states that from the beginning of this contest to the present moment the whole purposes, object, and wishes of the contestee and all of his counsel, numbering four, have been to consume time by long questions, by lengthy and frivolous cross-examinations, with the view and to the end that the contestant's time would expire before he would have examined many of his witnesses, so that the full truth in relation to the charge made could not be known or ascertained; that the contestant has endeavored until to-day to rapidly pursue the investigation, but finding such endeavors useless has not this afternoon made any special efforts to hurry up the investigation, for the reason that he has learned that the more he seeks to investigate the truth contained in the charges against contestee the greater are the efforts to suppress all facts and evidence which he, the contestant, has sought and now seeks to prove.

Contestee's counsel, in the absence of contestee, disclaims any intention to defeat a full and fair investigation, or to abridge in any manner the taking of depositions in behalf of contestant; that this is the forty-second day since contestee's answer was personally served upon contestant; that contestee has at all times been ready, willing, and desirous of aiding contestant, as well as his counsel, in the taking of proper and meritorious depositions in the matter of this contest, and will appeal to the record itself as the most fit, forcible, and proper denial of counsel's charge against contestee; and contestee's counsel further expresses his many regrets that the ruling of the notaries should be so liberal and, as he believes, unwarrantable as to allow contestant's counsel to cover the record in this case with sublime and unwarrantable nonsense, and now candidly appeals to contestant's counsel to go on with his case in such a manner as to give character and proper consideration to the case, and calls upon contestant's counsel with equal candor, if he has evidence tending to establish one or all of the specifications contained in contestant's notice served December 26, that he proceed and place the same in proper form, that it may be presented to the Forty-sixth Congress for their consideration upon the merits of this controversy.)

A. Had no idea of the motive which actuated this student in casting his ballot on that occasion.

427. Q. Have you understood that such advice was given to some of the students?—A. I have.

428. Q. And that such advice was given for the reason which I have stated in my former question?—A. Have heard some remarks to that effect.

429. Q. Have you not understood that Mr. Underhill gave such advice to some of the students?—A. I have advised them not to vote; that the Democrats, with their blood-thirsty disposition, would make it interesting for them in the United States court. Don't remember anything about State courts.

430. Q. Did you not understand that Judge Mason heard of that advice; that he had a consultation with Dr. Dodge, president of Madison University, in reference thereto before election?—A. Never heard that he had heard of that advice spoken of in question, but did hear that he had the consultation with Dr. Dodge with reference to that subject.

431. Q. When you stated that, from appearances of their tickets and other indications, that the students all voted the Republican ticket and all Congressional, save one, did you mean all the students that voted that day?—A. I did.

432. Q. That day; you mean the 5th of November last?—A. I mean on last election-day.

433. Q. I understood you to state that one Grosvenor said to you that he understood Mr. Mason, a short time before election, took \$1,500 to the city of Oswego for election purposes.—A. You misunderstood me, for I said no such thing.

434. Q. Did you mention Mr. Grosvenor's name in connection with money?—A. I did.

435. Q. What is his name?—A. E. F. Grosvenor.

436. Q. Is he a hardware merchant living in this village, and a Republican?—A. He is.

437. Q. Now state fully what he did say.—A. Said he understood Mason had put \$1,500 in the county committee's hands of Oswego County.

Recross by J. J. LAMOREE:

438. Q. How long was this before election?—A. Several days.

439. Q. Was it two weeks, in your judgment?—A. Think it was within a week.

440. Q. Whereabouts did it occur, and who was present?—A. In his store; think no one but myself present.

441. Q. Were you at that time favorable to the election of Judge Mason?—A. Favorable; but not so favorable as I might have been.

442. Q. Did you understand Grosvenor at that time to be favorable to the election of Judge Mason, or unfavorable?—A. Did not understand his position on the subject.

443. Q. Have you never learned his position upon that subject?—A. Can't say that I have.

444. Q. Was Grosvenor's store a place of resort for you, and did you frequently visit it?—A. Occasionally; as I passed it five or six times a day I would step in occasionally.

445. Q. Was the relation between you and Grosvenor pleasant and confidential?—A. Pleasant, but not confidential.

446. Q. Did you not regard this declaration of Grosvenor as being both unusual and important?—A. I did not.

447. Q. Did you make any inquiries of Grosvenor with reference to his knowledge and the truthfulness of what he had said?—A. I did not.

448. Q. Did you not know there was a coolness existing between Grosvenor and Mason at the time?—A. Hardly that.

449. Q. How do you mean to be understood when you say there was hardly a coldness between them?—A. That from his remarks I should not suppose there was particular coldness.

450. Q. Did he not say to you that he hoped Judge Mason would be defeated, or words to that effect?—A. Can't say that he did.

451. Q. Did you not gather that from the conversation?—A. I understood from his conversation that he was not particularly anxious that Judge Mason should be elected; that he did not want Mr. Duffy elected under any consideration.

452. Q. And did you feel in the same way?—A. Very much.

453. Q. Did you learn the nature of that coldness which existed between Grosvenor and Mason?—A. I did not.

454. Q. Do you know of how long standing that personal feeling has been existing?—A. I do not.

455. Q. You have no doubt of its existence, I suppose?—A. I have qualified that coldness. I did not understand them to be warm and intimate friends, but did not know of any coldness.

456. Q. Did you not understand that so far as personal considerations were concerned both Grosvenor and yourself were unfavorable to Mr. Mason's election?—A. Not particularly so.

457. Q. Would you not have preferred another and a different person as the Republican candidate?—A. Can't say as to Grosvenor, I should.

458. Q. I understood you to say that from what you know of Grosvenor's feelings you thought your status and his toward Judge Mason were about the same, or that in substance?—A. I shall not controvert your understanding on that point.

459. Q. I understand you, then, as acceding to the correctness of that statement with reference to your understanding of Grosvenor's status toward Mason as well as your own?—A. I only answer for myself, and that your understanding and my meaning seems to coincide.

460. Q. Then, is it not a fact that, judging from what you know of Grosvenor and his status toward Judge Mason, you believe him to have preferred another and different candidate than Judge Mason?—A. Cannot answer for Mr. Grosvenor's preferences on that subject.

461. Q. Did you never hear Grosvenor express himself with reference to Judge Mason's candidacy?—A. I did.

462. Q. Did he favor or oppose it?—A. Both.

463. Q. You heard him speak both ways, then?—A. Yes, sir.

464. Q. When did you hear him say he was opposed to Judge Mason's candidacy?—A. During the canvass, if at all.

465. Q. State if you please, what you heard him say at that time in opposition to Judge Mason.—A. I heard him make various remarks; both respectful and disrespectful.

466. Q. I ask you to state again what you heard Grosvenor say in opposition to Judge Mason?—A. I must answer the question in my own way, if you insist upon it.

467. Q. I insist upon your answering the question and confining yourself to the language used by Grosvenor in opposition to Judge Mason?—A. Then you will insist in vain.

468. Q. You decline then to answer the question?—A. I do not.

469. Q. Did you hear Grosvenor at any time speak unfavorable to the candidacy of Judge Mason?—A. Yes; and favorable.

470. Q. I insist upon your answering the question as to what he said unfavorably?—A. Then I shall withdraw my answer.

Adjourned until 7 o'clock p. m.

Parties met pursuant to adjournment, after tea; Mr. STAPLETON as witness.

Recross-examination continued.

Statement of witness: It has been suggested that my testimony this afternoon tended to cast some reflection or imputation upon John E. Smith, the district attorney of this county. I now say that I intended no such reflection or imputation, and that I have never heard any reflection, imputation, or insinuation against Mr. Smith's good character in his official capacity in connection with the prosecution against students.

471. Q. Have you at any time heard it charged or insinuated, either before election or since, that prosecutions for violating the election law would not be diligently and earnestly pressed to final judgment by District Attorney Smith should offenses come to his knowledge in the county of Madison?—A. I have not.

472. Q. Have you reason to believe that Mr. Smith has not at all times been ready and willing, and even desirous, of prosecuting such cases without regard to party or personal favor?—A. I have no reason to believe that he would not.

473. Q. And did you not understand that the conference between Judge Mason and Dr. Dodge was at the solicitation of Dr. Dodge and not at the solicitation of Mr. Mason?—A. I got that impression.

474. Q. What has been the number of votes cast by persons attending school, I mean Madison University and Colgate Academy, in Hamilton, at previous elections?—A. Fifty, and upward.

475. Q. And has it not at times, in your judgment, reached as many as one hundred?—A. Think very likely.

476. Q. And did you previous to election understand that Mr. White and other leading Democrats in Hamilton had declared their intention to prosecute students who should vote at the last general election?—A. Can't say as to Mr. White, but I heard others say so.

477. Q. And did you not understand that by reason of those threats Dr. Dodge, president of the University, and others interested in the welfare of the students, sought legal counsel to the end that such prosecutions might be avoided?—A. Yes; in consequence of those threats and the disputed questions of law.

478. Q. Did you not learn, either before or since the election, that a compromise was suggested on the part of leading Democrats, by consenting that such students vote the State ticket, but not for local candidates?—A. Not as a matter of compromise.

479. Q. How did you understand that?—A. I understood they received that as advice.

480. Q. From whom?—A. Mr. Underhill.

481. Q. Any one else?—A. I don't think of any else.

482. Q. Did you not understand that such advice was given, and that such a proposition was made by Mr. White, or some other leading Democratic politician?—A. I did not.

483. Q. To return to the question upon which you were being examined before tea, you may give what Mr. Grosvenor said on that occasion.—A. Can't remember that there was a word said on election subjects, except the allusion to the \$1,500 as having gone to the county committee of Oswego County.

484. Q. Judging from the manner in which it was said, and your acquaintance with Mr. Grosvenor, did you regard it as a serious declaration of fact or simply as a jocular expression?—A. I considered it noth-

ing serious. Can't say it was a jocular statement; it was simply an off-hand statement, as I went in there sometimes.

485. Q. Did it tend to convince you in the least that Judge Mason had sent \$1,500 to Oswego County?—A. No; I considered the statement unimportant.

486. Q. Is it proverbial of Mr. Grosvenor that he is light, trivial, and addicted to the use of unimportant declarations?—A. He is, with me.

487. Q. And is he not especially so with reference to matters around and pertaining to his own townsmen?—A. Not any more so than with other matters.

488. Q. Did his remark, considering the manner in which it was said, carry any weight or have any effect upon your mind tending to confirm you in the belief that what he said was true?—A. I thought nothing upon the subject one way or the other.

489. Q. Repeated.—A. No.

490. Q. Then you attached no importance whatever to the remark?—A. I did not.

491. Q. Mr. Grosvenor carries on business how far from the rooms in which these depositions are being taken?—A. Twenty rods.

492. Q. Do you know whether he is at home and has been during this investigation?—A. I know he has some of the time; don't know as to the whole of it.

493. Q. Have you seen him to-day?—A. No; I have not.

494. Q. Have you any reason to believe that he has not been accessible at all times, and ready and willing to obey a subpoena on the part of contestant?—A. I have not.

495. Q. Do you know why it is he has not been called to substantiate the facts which contestant seeks to prove?—A. I do not.

496. Q. I understood you to say that you never learned the source of his information, or whether his declaration was one of fact or without foundation?—A. I believe I did, and it is so.

497. Q. You say that one student did not vote the Congressional ticket. Do you know the rest of them did?—A. I do.

498. Q. Which was the student that omitted to vote for Mason?—A. I cannot tell now.

499. Q. Can you state whether that one has been arrested or not?—A. I can; he has not.

500. Q. You say that in your conversation with Keith at the time he referred to the use of money, you thought he had reference to the use of money for both legitimate and illegitimate purposes. Are you positive that he so intended?—A. I know nothing about what he intended.

501. Q. Then you do not know whether you interpreted his language correctly or not and gave to it the meaning designed it should bear?—A. I do not.

502. Q. And was the same true with reference to what you heard E. E. Welton say?—A. It was, and applies to all others that I heard speak on the subject.

503. Q. I do not understand that you heard any others speak upon that subject with reference to Mr. Mason's having used money?—A. I spoke of Kennedy.

504. Q. But Kennedy did not pretend to a knowledge that Mason had used money?—A. Kennedy made the declaration that he knew he had.

505. Q. But he did not say when, how, or in what manner he had used it?—A. Can't say now that he did.

506. Q. Nor to what extent he had used it?—A. I cannot.

507. Q. Nor as to whether he had used it for improper purposes?—A. Yes; his statement referred to his using it improperly.

508. Q. Did he say as to whether he learned that fact from personal observations or hearsay?—A. Can't say as to that. I have no present recollection.

509. Q. And he is living, I suppose, from anything you know?—A. He is, for what I know, in Brooklyn.

510. Q. And do you know why he has not been called in this matter of contest?—A. I do not.

511. Q. Where was this conversation with Welton?—A. No recollection of place or time, except that it was after election.

512. Q. Did you hear him refer to that subject upon more than one occasion?—A. Can't say that I did.

513. Q. Can you give his precise language?—A. I could not.

514. Q. Did you ever talk with Thomas Beal with reference to what Welton said?—A. Never have mentioned it to any one before I was put on stand.

Redirect by S. D. WHITE:

515. Q. Since the adjournment for tea have you had a conference with the contestee's counsel, Mr. Lamoree and Smith?—A. I have, a short one.

Recross-examination:

516. Q. And did that conference relate to the question which seemed to reflect upon the official character of Mr. Smith and to your misunderstanding the full scope of Mr. White's long and difficult question?—A. It did.

C. W. STAPLETON.

Subscribed and sworn to February 26, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

*Deposition of John E. Smith.*

JOHN E. SMITH, a witness, being duly sworn, testified as follows:

Direct examination by S. D. WHITE:

1. Question. Are you the present district attorney of Madison County?—Answer. I am.

2. Q. How long have you been such?—A. Since the 1st day of January, 1878.

3. Q. When were you retained by Mr. Mason in this contest?—A. About January 1, 1879.

4. Q. Did you see the notice that was served upon him by Duffy?—A. I have seen the notice.

5. Q. Did that charge or notice contain any charge of bribery or bribing voters?—A. I think it did.

6. Q. Since you have attended the examination, you attended from or at the first in Madison County?—A. Yes, sir.

7. Q. Then you learned there was a charge of bribery in the village of Hamilton against Mr. Mason and his friends?—A. Yes, sir.

8. Q. In the examination of witnesses by you have you not made an effort to show that there was no bribery?—A. Made an effort to find out what the truth was.

9. Q. Repeated.—A. On Thursday last I cross-examined the witnesses produced by the contestant concerning this contest. There was no evi-



dence that I heard showing there was any bribery on the part of contestee in this election, and heard no evidence by the witnesses indicating bribery on the part of contestee or his friends, and I cross-examined the witnesses on the evidence they gave.

10. Q. Did you learn last Thursday that there was a charge of illegal voting?—A. Yes, sir; in one instance.

11. Q. And that, too, in this village?—A. Yes, sir.

12. Q. Did you learn of a charge made of illegal voting of 13 or 14 students that voted here?—A. I don't think any evidence was given or anything said during the investigation on Thursday, when I cross-examined witnesses and assisted in examination, concerning the 13 students the counsel speaks of.

13. Q. Did you learn through the public prints some two months ago that certain students of this place had been arrested for illegal voting?—A. I learned the fact but can't tell the precise time.

14. Q. State about how long ago you think it was.—A. I should think about two months ago, or about the time they were arrested.

15. Q. If you had known at the time you were retained by Mr. Mason that his motive was to obtain your services so as to enable him and others working in his interest to prevent any prosecution against him or them for bribery and illegal voting instead of wanting your services as a lawyer specially, would you have accepted that retainer?—A. I should not.

16. Q. Do you know what his motive was?—A. Only from what he and others told me.

17. Q. Did he retain you by letter or orally?—A. First, orally, and then wrote me to keep myself in readiness to attend when examination commenced in this county.

18. Q. Did you last week leave the grand jury while they were in session to come here and attend this examination?—A. I did one day.

19. Q. Did you ask that this examination should be postponed because you desired to go back to draw such indictments as they might find?—A. Yes, in part.

#### Cross-examination :

20. Q. Mr. Smith, is there anything unusual in your being absent from grand jury for one day?—A. No, sir; nothing very unusual; still I remain with them as much as I can; sometimes I have to be away a good deal.

21. Q. Were any of your official duties neglected before the grand jury by reason of your absence?—A. Not at all.

22. Q. And how many grand juries have sat in your county since election, and when were they?—A. Two. First one in December, at court of sessions. Second one commenced the 17th of February at a court of oyer and terminer.

23. Q. On both of those occasions did the presiding judge, pursuant to the statute in such case, in his charge to the grand jury direct the grand jury there in attendance to make diligent inquiry and true presentments make against all persons within the county of Madison who had been guilty of violating the election law, should they have knowledge or reason to believe that such offenses had been committed in your county?—A. At the court of sessions held in December the judge did so charge. At the court of oyer and terminer I did not hear the charge to the grand jury, but I have no doubt he did as the statute expressly requires.

24. Q. And were you on both of those occasions ready and willing and desirous of aiding the grand jury by your subpoenas and in your

official character to investigate any frauds or violations of the election laws arising within your county upon complaint of any citizen professing to have knowledge thereof?—A. I was, and hold myself in readiness and willingness to aid the grand jury in investigating any crime committed within our county.

25. Q. Did Mr. White, or any other gentleman acting in behalf of Mr. Duffy, complain to you, call for your subpoenas, or ask the privilege of appearing before either of those grand juries, either in person or by witness, with a view to indictment or punishment of any person for the violation of any election laws at the last general election within your county?—A. No, sir. No complaint has ever been made or subpoenas called for.

26. Q. Have you at any time had reason to believe that any person within your county working in the interest of Judge Mason had violated those laws at the last general election?—A. I have not, and have never heard of evidence showing it. As to the negro, Hollingsworth, I heard that he swore before the election board that he was a voter, and that it was claimed by Duffy and his friends that he was not a voter, and that proceedings were instituted against him in the United States court for illegal voting, and have never known of any evidence showing that Judge Mason was responsible for his voting, if he did vote illegally.

27. Q. And did you learn of witnesses who attended the United States court with a view to the indictment of Hollingsworth for such alleged violation of said election law?—A. I learned that witnesses were subpoenaed before United States commissioner, but do not know their names, but not that any had been subpoenaed before United States grand jury.

28. Q. Did you learn that immediately after the arrest of Hollingsworth, and after his return after giving bail before the commissioner, that Counselor White and Mr. Duffy's active friends in Hamilton took the negro, Hollingsworth, under their charge, and proffered him amnesty from punishment, conditioned upon his support and assistance in this controversy?—A. Not exactly that. I have heard it said since this investigation began that after Hollingsworth was arrested and held to bail by United States commissioner that Thaddeus Leonard, one of Mr. Duffy's witnesses, sworn upon this contest, got Mr. Hollingsworth in the office of Mr. White, counsel for Duffy, and Mr. Lippitt, chairman of Democratic county committee, Mr. Leonard, and Hollingsworth were all present. That Mr. White gave Hollingsworth 50 cents; and that Mr. White tried to find a pair of boots for Hollingsworth; and that since that time different ones, the friends of Mr. Duffy, whose names I have not learned, have patronized Mr. Hollingsworth as a barber, and have been in the habit of giving him scales of from 5 to 10 cents extra on each shave; and since that interview no appearance has been made before the United States grand jury against Hollingsworth, and while witness on the stand I understood Mr. Leonard to testify that he took Hollingsworth into White's office; and that Mr. Lippitt, Mr. White, Mr. Leonard, and Hollingsworth were there present, and an interview was there had.

29. Q. Did you understand that this guardianship over Hollingsworth by Mr. White, Mr. Lippitt, and Mr. Leonard, was inaugurated at the time of that interview?—A. I have heard it so claimed and said by Mason and his Republican friends.

30. Q. And did you learn that interview with Hollingsworth was upon the evening of the same day he was admitted to bail?—A. I don't think I have heard the particular day or evening that interview was had, at least cannot recall it.

31. Q. Did you know of Mr. Cushman, the gentleman whom it is said

accompanied Hollingsworth to the polls, having at the time been a member of the Republican county committee in the village of Hamilton?—A. I knew or understood he was the county committee man from town of Hamilton.

32. Q. And did you know of the Democrats and Greenbackers respectively having like committeemen to represent their parties?—A. I so understood it, and think it's true.

33. Q. And was Mr. Lippitt the responsible representative of the Democratic party?—A. I understood him to be member of county committee, and as far as the responsibility and so far was responsible.

34. Q. What are the duties of the committeeman of the respective parties, as you understand them, relative to getting out the vote on that day?—A. I understand it's the duty of the county committeeman in his respective town, in short, to see that the voters who will support candidates for the party of which the committeeman represents are out to the polls and vote, and to see that proper conveyances are furnished for the sick and infirm to convey to the polls; and funds are placed in their hands for that purpose.

35. Q. Do you understand this rule or practice prevails among all the political parties alike?—A. I do.

36. Q. Were you present at a political meeting held in the village of Hamilton just before the election, at which Governor Boutwell, of Massachusetts, addressed the people of Madison County upon the financial issues?—A. I was present, and his speech was largely devoted to financial questions.

37. Q. Governor Boutwell favored a resumption of specie payments and a continuation of the present banking system?—A. He did.

38. Q. And were those issues the prominent and overshadowing issues of the campaign?—A. I regard them so.

39. Q. And did you understand Governor Boutwell's position upon those questions as being substantially in harmony with both the Democratic and Republican parties in the State of New York, and Madison County?—A. I did.

40. Q. Prior to that meeting had the Greenback party through the agency of Shupe's paper, and of Brick Pomeroy's Democrat, and other papers and documents sent out from those offices, apparently affected the public mind upon the financial question?—A. So far as I can judge I think they had.

41. Q. And did you know of considerable numbers of former Democrats and Republicans, prior to Mr. Boutwell's speech, who were wavering and undecided with reference to their political action upon the financial question in Madison County?—A. I think I knew some in my own locality, but I had no knowledge as to who were wavering in Hamilton or its vicinity. I simply know of my own town.

42. Q. So far as you are able to learn from your own observation or from conversation from others, what was the immediate effect of Governor Boutwell's speech upon the financial question, at Hamilton?—A. I heard it claimed, after the meeting at Hamilton, that Governor Boutwell's speech had done good and strengthened the Republican principles in and about Hamilton, but, living eight miles away, I have no knowledge upon that subject in particular.

43. Q. What effect, if any, did you discover in your vicinity?—A. Governor Boutwell, in his thorough discussion of finance, imparted to myself, and I think to others, new thoughts and arguments upon that question, and which I and I think others were able to use and did use in discussing the financial question with people in my vicinity; and I

think we were enabled to convince some who were wavering upon that question that it was for the best interests of the nation to have specie payments resumed and the national banks continued.

44. Q. And was the Democratic party in your vicinity divided into two factions—one known as hard-money Democrats and the other as soft-money Democrats?—A. Hardly that. I think in my vicinity those who during the political canvass claimed to be Democrats were more for hard money, and those who before had been Democrats who advocated soft money and inflation were Greenbackers, or so identified and claimed to be Greenbackers.

45. Q. What do you know, if anything, of hard-money Democrats supporting Judge Mason on the financial question?—A. Before election I heard some hard-money Democrats say, and heard of others saying, that they would not vote the Greenback ticket. I knew of one who had always been a Democrat in my village who voted for Judge Mason, because of his views upon the financial question. I have no personal knowledge as to how the other hard-money Democrats in my election district voted; in the other or Eaton district I understand John Whitney, a life-long Democrat as I am told, Dr. Head, a strong Democrat, and some of the Browns voted for Mason, because they approved of his financial views. Yesterday I saw Joseph Forward, a leading Democrat of the town of Madison; informed me he voted for Mason because he approved of his financial views and did not like Duffy's views, and I think Eli Barber told me he voted for Mason, as he was not a Greenbacker and could not support Duffy, and I cannot now recall any other.

46. Q. Is the Eli Barber to whom you refer a resident of the village of Hamilton and the individual spoken of on Thursday last as one of the Democrats who worked at the polls on election day for Mason?—A. He is.

47. Q. Did you hear it said that Mr. Duffy was putting money into the campaign, and had placed \$100 in the hands of one Mr. Lippitt, of Hamilton, to be used for political purposes?—A. I have so heard it said.

48. Q. Do you know of any money having been used, or have you reason to believe that money was used improperly to influence the result of the election in your vicinity?—A. Not one dollar on either side, and I did not hear it claimed there was in our vicinity.

#### Redirect examination :

49. Q. Do you know J. J. Lamoree, of Oswego?—A. I do.

50. Q. And is he here present aiding Mr. Mason?—A. He is.

51. Q. Have you heard it said that Mason took \$1,500 or some other sum to the city of Oswego shortly before election to be used to aid his election?—A. I think I have heard the counsel for contestant claim so since this investigation began. I think I heard Mr. Stapleton so swear.

52. Q. Have you heard it said that the money was given to one Burchard and said Lamoree for the purpose of buying voters, and that Mr. Lamoree on the Sunday eve before election visited nearly every saloon and house of ill-fame in the city of Oswego, where he was at all times welcome and perfectly familiar, and there paid money to his disreputable acquaintances in the interest of Mr. Mason for the purpose of securing Mr. Mason's election?—A. I have not.

53. Q. Have you heard any part of it?—A. I have not heard it that way.

54. Q. What part of it have you heard?—A. I think not any part of it.

55. Q. Is it true that previous to election and since that there was a

bargain made between certain Republican politicians of the two counties that if Mason could get and retain his seat in Congress, that Mr. Lamoree was to succeed Mr. Mason and you were to succeed Judge Kennedy, irrespective of the wishes of the people, and that you three men entered into that corrupt league and conspiracy, and are now aiding Mr. Mason in the furtherance of that bargain made and entered into prior to the election, and that all respectable politicians of the district have discovered that conspiracy, and that they together, and all other decent people, have discovered that bargain and now hope that Judge Mason may be defeated, in order that the conspiracy may fail?—A. Not one word of truth in the charge made that comes from question.

56. Q. Do you think that a man who would enter into such a conspiracy by which such men were to be elected to office would be likely to own it when asked it?—A. I think some men would own it, and some would not.

Recross-examination :

57. Q. Considering the redirect-examination, do you believe Mr. White guilty of treason to his client?—A. I think Mr. White was not sincere when he asked the questions, and such a line of examination is detrimental to the interest of his client, and to that extent Mr. White is not being faithful to his client, and for that reason may be guilty of treason to his client.

58. Q. In other words, you do not regard Mr. White's questions upon redirect examination as having been seriously propounded, so far as they reflect upon either of witness or counsel?—A. I did not so regard them.

59. Q. Did you ever pass one word with Judge Mason or with Mr. Lamoree, or with any one acting for them, with reference to your being the successor of Judge Kennedy in office or with reference to Mr. Lamoree's being a prospective candidate for office?—A. I never did.

60. Q. Did you ever know or hear in any manner, directly or indirectly, of the political arrangement suggested by Mr. White, or anything akin to such an arrangement?—A. I never did.

61. Q. Then you regard the counsel's allusions to such an arrangement as a simple play of words upon the part of counsel?—A. I don't know how else to regard it, because there never was such an arrangement, or talked of such arrangement, to my knowledge, and do not believe counsel believed it.

62. Q. Did you ever know or hear of Mr. Lamoree's having at any time, however distant, entered a house of ill-fame, consorted with disreputable persons, or with having purchased or having attempted to purchase a vote for Judge Mason or any one else?—A. I certainly never did.

63. Q. And do you believe that Counselor White seriously intended to insinuate anything of that kind?—A. No; I can't believe Mr. White seriously intended any such thing.

Redirect examination :

64. Q. Did you not regard it as a sort of retaliation for some hits Mr. Lamoree gave me?—A. Yes.

65. Q. Was it after election, as you understood it, that White, Lippitt, and Leonard had their interview with the negro, and after his arrest and giving of bail?—A. That's the way I understood it.

67. Q. You understand that White and his friends wanted to make friends with the negro?—A. Yes; getting him in their interest.

68. Q. You understood that afterwards Mr. Underhill, who repre-

sented the other side of politics, got control of the negro?—A. I have heard you say so to Underhill.

JOHN E. SMITH.

Subscribed and sworn to February 25, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

*Deposition of Thomas Beal.*

THOMAS BEAL, a witness, being duly sworn, testified as follows:

1. Question. What is your age?—Answer. Twenty-six years.
2. Q. Have you always resided in this village?—A. Yes.
3. Q. What is your occupation?—A. Druggist.
4. Q. Are you in company with Mr. Ramney?—A. I am.
5. Q. What are your politics?—A. Democrat.
6. Q. What relation did you sustain to the election board on election day?—A. Poll clerk.
7. Q. You may state how many students of Madison University or Colgate Academy voted at last election?—A. Fourteen or fifteen in all, I think.
8. Q. How many of those were residents of this place, aside from their residence as students simply?  
(Objected to. Witness should state facts and not testify as to legal conclusions, and incompetent. Objection overruled. Underhill dissenting.)
- A. I don't know; I don't know what to decide as residents.
9. Q. How many of those fourteen or fifteen had parents here residing?  
(Objected to. Incompetent. Objection sustained.)
- A. Don't know as any of them.
10. Q. Do you know of their having any other residence here other than such as they claimed arising from their relations to the schools while attending such as students only?—A. I don't know of any of them.
11. Q. How did these students vote?—A. Unable to say.
12. Q. Did you not observe them when they voted?—A. Don't know; did not observe.
13. Q. Can you name those students who voted as you remember them?—A. D. B. Grant, B. J. Mix, L. L. Kneeland, J. G. Simons, M. L. Rugg, P. H. Moore, W. C. Phillips, W. W. Staples, one Tuttle, C. H. Powers, Ira Hall, James Benedict, and one George Baker, A. J. Cole, one Hutchinson, who was allowed to vote with only one oath administered.
14. Q. Were they residents of this town until they came here to school?—A. I don't know; I suppose not.  
(Objected to. Witness's suppositions. Should state facts. Objection overruled.)
15. Q. From your knowledge of them and from general repute did they come here to attend school simply?—A. I so understand it.
16. Q. Were you present at the time the negro voted?—A. I was.
17. Q. He was challenged, was he?—A. He was.
18. Q. Who came up with him?—A. Cushman.
19. Q. Do you remember of Mr. Cushman's putting his hands on his shoulder and telling him to swear it in?—A. No.
20. Q. Was he the last man who voted?—A. Yes, sir.
21. Q. How soon afterwards did you notice Judge Mason there?—A. When we got ready to count votes.

22. Q. Was there a good deal of laughing and jesting about the negro having voted?—A. I didn't hear much of anything said until next day.

23. Q. Do you remember of having heard any one around the table making observations about the negro vote?—A. Mr. Mott and Mr. Lip-pitt and Mr. Cushman are the only ones I remember hear saying any-thing.

24. Q. You referred to remarks they made about the time he voted?—A. Yes, sir.

25. Q. I have reference to what, if anything, was said after Judge Mason came, by any one?—A. Don't remember of anything.

26. Q. Do you know the Kelloway boys?—A. I do.

27. Q. Did you hear them; if so, state which one, express their views during last election.—A. Only James.

28. Q. What did he say?

(Objected to. Immaterial, incompetent, and hearsay. Objection over-ruled.)

A. Heard him say he was a going to vote the Greenback ticket.

29. Q. When did he say that?—A. Heard him say it several times; saw him most every day.

30. Q. Up to the morning of election, was it understood that all the Kelloway boys were opposed to Mr. Mason?—A. I did not so under-stand it.

31. Q. Up to what time did you understand they were opposed to Mr. Mason?—A. On Sunday afternoon before election.

32. Q. Was it quite generally talked and understood that their change was the result of a purchase or some other improper influence.

(Objected to; improper and incompetent; witness should state facts. Objections overruled, Underhill dissenting.)

A. It was so talked; don' know how it was understood.

33. Q. Was it quite generally talked so on the day of election?—A. I don't know.

34. Q. Has it been so since?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I heard it so talked as to Charles, William, and James, but not as to others.

35. Q. Was it understood up to the Sunday before election that those three were bitterly hostile to contestee?

(Objected to as immaterial, incompetent. Objection overruled.)

A. I have heard say they were.

36. Q. Was it quite freely talked upon the day of election, and has it been since, that money was used on the day of election in the interest of contestee?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I don't scarcely know anything about election day; was at the board.

37. Q. During that evening and since, has it been quite generally talked that money was used in his behalf?—A. I heard it talked; don't know how general; heard it spoken of quite often since.

38. Q. Do you remember who you heard speak of it?—A. Can't name but two persons.

39. Q. Who were they?—A. Mr. Keith and Mr. Welton, both Repub-licans.

40. Q. You mean H. H. Keith and E. E. Welton?—A. Yes.

41. Q. When did Mr. Welton say what he did?—A. After we had completed the returns that evening.

42. Q. Mr. Welton was a Republican and chairman of the board, was he?—A. Yes, sir.

43. Q. What did he say?—A. Guessed judge was elected, but it had cost him a pile of money. Nothing further in regard to him.

44. Q. What did Mr. Keith say and when?—A. The next day. In speaking of Mason's election, said it had cost somebody a pile of money; he guessed Mason was elected.

45. Q. Mr. Welton is a leading Republican of this town?—A. Yes, sir.

46. Q. And Mr. Keith was one of the leading Greenbackers in this town?—A. I understood so.

47. Q. You say you remember those two only? Is it your recollections that many others made same observation?—A. Can't say many others, but heard others say it.

48. Q. State, in relation to whom was it said that money had been used aside from the Kelloway boys?

(Objection; incompetent and immaterial. Objection overruled.)

A. I don't know of anybody.

49. Q. Haven't you heard it said that E. B. Mott bought Michael Brogan's vote for Mason?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I heard of it in a jesting way from Mr. Lippitt.

50. Q. Have you not heard it said that Mott said he bought nineteen votes for Mason on election day?

(Objected to. Contestant should call some person by whom he can prove the fact itself. Objection overruled.)

A. I did not.

51. Q. Have you not heard it frequently said that Cushman bought the negro?

(Objected to. Incompetent, immaterial. Should call Mr. Cushman or the negro who have knowledge of the facts.)

(Objection overruled, Underhill dissenting.)

A. I have heard so of late.

52. Q. Didn't you hear so within a day or two after the negro was arrested—some two or three months ago?

(Same objections, same ruling.)

A. I did; about the 5th of December.

53. Q. State, as nearly as you can, how many Republicans, apparently, judging from their tickets and the counting of the votes, voted against Judge Mason, and about how many Democrats voted for him.—

A. Can't make any estimate whatever as to how many Republicans voted against him. I don't know how many Democrats voted for him, of my own knowledge.

54. Q. Did you see the Congressional ballots as they were opened and counted?—A. Saw a small portion of them.

55. Q. Was the opposition to Mr. Mason among Republicans much stronger early in the canvass than upon day of election?—A. That's the way I understood it.

56. Q. And was the opposition among Democrats stronger early in canvass than on election day?—A. Yes.

57. Q. Did you observe any change among Democrats in his favor up to quite near election?—A. I did.

58. Q. State what and when.—A. Soon after Mr. Duffy spoke here.

59. Q. By whom?—A. D. B. West, the bank man; E. B. Mott, capitalist; Nelson Fairchilds—think he is a stockholder in bank; Maro Hubbard, bank teller. I don't think of any one else. They are the ones I heard speak the most about it.



60. Q. On the other hand, were there not Democrats who stood aloof from Duffy before he came, who announced their intention to vote for him after the meeting?—A. I don't call to mind any such.

Cross-examination:

61. Q. Do you know C. H. Powers, of whom you have spoken?—A. Yes, sir.

62. Q. You have denominated him as one of the students of the University?—A. Yes, sir.

63. Q. About how old a man is Mr. Powers?—A. About 28 or 30.

64. Q. Is he married or single?—A. Married.

65. Q. Does his family reside in the village of Hamilton? If so, how long?—A. Yes, and for four or five years.

66. Q. How large a family has he?—A. A wife and one child.

67. Q. They have lived with him and were so living with him at the time of the election, were they not?—A. I so understand.

68. Q. Do you know James Benedict, also one of the students?—A. Yes, sir.

69. Q. And is he also married and living with his family in Hamilton Village?

(Objected to as immaterial. The constitution makes no distinction between married and unmarried students. Objection overruled.)

A. Yes, sir.

70. Q. And for what length of time has he lived in Hamilton with his family?—A. A year, at least, before election.

71. Q. And was he, prior to and at the election, acting as a clerk in a store in the village of Hamilton?—A. No, sir; don't know as he was.

72. Q. Do you know he was not employed in a store?—A. At election he was not, but was prior to that.

73. And has he been since that?—A. No, sir.

74. Q. Do you know M. L. Rugg, of whom you spoke as a student?—A. I do.

75. Q. And is he a married man, living with his family in the village of Hamilton?

(Objected to. Same objection. Overruled.)

A. Yes, sir.

76. Q. And for how long a time has he lived in Hamilton with his family?—A. About three years—since he was married.

77. Q. I assume, from your remark, that he was married at Hamilton?—A. Yes, sir.

78. Q. And do you know George B. Simons, of whom you have spoken as a student?—A. Yes, sir.

79. Q. And is he a married man living with his family in the village of Hamilton?—A. He is.

80. Q. How long has he lived in Hamilton with his family?—A. About two years.

81. Q. And is he a clergyman in charge of a pastorate at Labanon?—A. He was; don't know as he is now.

82. Q. And do you know B. J. Mix, of whom you have spoken as being a student?—A. Yes, sir.

83. Q. How long has he lived in the village of Hamilton?—A. Four or five years.

84. Q. Has he not seven years?—A. Can't say.

85. Q. Has he not voted regularly for several years at the village of Hamilton?—A. I don't know.

86. Q. Do you know of his having a residence at any other place?—

A. No, sir; don't know that he had a residence elsewhere; I don't understand the word residence.

87. Q. Are you acquainted with Mr. D. B. Grant?—A. Yes, sir.

88. Q. How old a man is he?—A. About 35.

89. Q. Has he a wife and children?—A. Yes.

90. Q. And does he live with his family in Hamilton, and how long?—A. Yes; about a year.

91. Q. How long have you known of his living with his family in Hamilton?—A. Ever since I have known him.

92. Q. Has he not lived with his family in Hamilton several years?—A. Not that I know of.

93. Q. Did he not move into the village of Hamilton in the year 1868, and resided here continuously since?—A. Don't know.

94. Q. How long have you resided in Hamilton?—A. Since I was born; 26 years.

95. Q. Has not Mr. Grant voted regularly at the village of Hamilton the last ten years?—A. I think not.

96. Q. Do you assume to know whether he has or not?—A. I assume to know he has not for the last ten years.

97. Q. Has he not voted for several years past?—A. I don't know anything about it.

98. Q. Do you know of his having a residence elsewhere than at Hamilton?

(Objected to; question calls for a conclusion as to what residence is. Objection overruled.)

A. Don't know of his having any other place of living or staying.

99. Q. Do you know of either of the gentlemen of whom I have spoken having any other home for themselves or families than at Hamilton?—

A. I don't know as to their having any other home.

100. Q. Do you know Ira Hall?—A. Yes, sir.

101. Q. And is Ira Hall a married man living with his family in the village?—A. He is.

102. Q. How long has he so lived?—A. Two or three years.

103. Q. Do you know of his having any other home for himself or family except in the village of Hamilton?—A. I do not.

104. Q. Do you know George Baker, to whom you have referred as being a student?—A. No personal acquaintance.

105. Q. How long do you understand Mr. Baker has lived in the village of Hamilton?—A. I don't know; the first I ever saw of him was at the polls.

106. Q. If you know nothing of Mr. Baker, do you know anything of his qualifications or disqualifications as a voter at the village of Hamilton?—A. I know nothing more than that he was a student, not entitled to vote here, as I supposed.

107. Q. Do you assume to know whether he is entitled to vote or not?—A. I base my judgment upon the clause of the constitution which witness recites.

108. Q. Did you ever read the constitution of the State of New York?—A. I don't think I have, only that part which relates to students voting.

109. Q. Did you read the article with reference to the qualifications to voters?—A. Yes, sir; as they are laid down in the election laws.

110. Q. And when did you read that clause in the election laws?—A. I have read that several times.

111. Q. And do you know now how that clause reads in the constitution?—A. Can't give it word for word, but can in substance.

112. Q. Do you profess to be an interpreter of law?—A. No, sir.

113. Q. Have you not conferred with White or heard him advance an opinion predicated upon the clause to which you refer?—A. I have not conferred with him, but have heard him advance an opinion.

114. Q. And are you now swearing upon the strength of his opinion or your own?—A. Combined strength of both.

115. Q. And which do you swear the most by, Mr. White's opinion or your own?—A. Being a lawyer, he ought to be able to interpret the law better than I.

116. Q. When you express doubts upon the qualifications of Mr. Baker as a voter, those doubts on your part arise mainly from what you have heard Mr. Duffy's counsel say, do they not?—A. They do not.

117. Q. Do you wish to take back what you said a moment ago with reference to your opinion having been mainly based upon the interpretation of Mr. White of the clause to which you refer?—A. I do not.

118. Q. Are not the names of each and all of these persons, whom you call students, the names of persons who have lived in the village of Hamilton more than one year next prior to election?—A. I will except Mr. Baker and Stapples; as to others I say yes, and as to them I am unable to state.

119. Q. Do you know A. J. Cole?—A. I do.

120. Q. How long has he lived in the village of Hamilton?—A. About a year and one-half, or since October, 1877.

121. Q. Prior to the last election?—A. No, sir; about a year and a half to now.

122. Q. Do you know of his having any other home save in Hamilton?—A. I do not.

123. Q. How long has L. L. Kneeland lived in Hamilton, as you understand?—A. Four or five years.

124. Q. Do you know of his having any other home except in Hamilton?—A. No, sir.

125. Q. How long do you know of Pitt H. Moore living in Hamilton?—A. Two or three years.

126. Q. Do you know of his having any other home except the one in Hamilton?—A. I do not.

127. Q. How long do you know of W. C. Phillipps living in Hamilton?—A. Three or four years.

128. Q. Do you know of his having any other home except in Hamilton?—A. I do not.

129. Q. How long do you know of W. W. Staples living in the village of Hamilton?—A. I know of him only since the day of election.

130. Q. How long do you understand he has lived in Hamilton?—A. Don't know anything about it prior to election day.

131. Q. From anything you know to the contrary he has lived in Hamilton several years?—A. Yes, sir; as to anything that I know.

132. Q. And are not these gentlemen, all of them, men of culture and refinement?

(Objected to. Objection overruled.)

A. I don't know.

133. Q. Are they not all worthy and creditable people, as you understand them?—A. Yes, sir.

134. Q. And do you know of any one of them having a home anywhere else except in Hamilton, where they voted?—A. I don't know.

135. Q. Did you take an active part in having these gentlemen arrested after the election?—A. No, sir.

136. Reflect a moment, if you please. Have you not actually inter-

ested yourself in their prosecution, or in the prosecution of some of them, for alleged offenses committed at the polls, November 5, in that they assumed to exercise the elective franchise in the village of Hamilton?—A. In one respect I did.

137. Q. Were you present when a warrant was sworn out against them?—A. I was not.

138. Q. Did you not employ counsel to engage in the prosecution of these gentlemen criminally, or some of them?—A. I did not.

139. Q. Did you visit the city of Utica upon matters relating to the prosecution of these gentlemen or some of them?—A. I was there.

140. Q. Did you go there upon matters relating to their prosecution?—A. No, sir.

141. Q. Were you not there sworn as a witness against them or some of them?—A. Yes, sir.

142. Q. How many trips did you make to Utica?—A. I think I made four trips on two subpoenas.

143. Q. And did you go anywhere else except to Utica on matters relating to their prosecution; if so, state when and where?—A. Can't state when; sometime in November I was at Auburn.

144. Q. In attendance upon United States court?—A. I was there.

145. Q. Did you go there for the purpose of appearing before the grand jury and in relation to the prosecution of these gentlemen?—A. I did.

146. Q. And was that before you made your several trips to Utica?—A. It was.

147. Q. Was it before or subsequent to your going to Auburn, that you obtained the views of Mr. White and listened to his interpretation of the constitution to which you have referred?—A. Subsequent to my going.

148. Q. Do you know, if any one, who subpoenaed you to go to Auburn?—A. Nobody.

149. Q. How came you to go to Auburn without a subpoena?—A. My own free will.

150. Q. And was your will intensely free?—A. I don't know what intensely free means. I was so far interested I wanted to make a test case.

151. Q. I suppose you succeeded in testing the matter by a judicial examination, did you not?—A. Yes, if you call defeat success.

152. Q. As you understand, each and all of the complaints made against these gentlemen were dismissed and the parties discharged from arrest upon a judicial determination of the court that the parties arrested were each and all of them legal and proper voters at the village of Hamilton, in November last, were they not?—A. I so learned through the press.

153. Q. And have you any doubt of that fact?—A. I have no doubt.

154. Q. And do you understand that there was an extended opinion written by the court, by the terms of which and the holding of the court upon the evidence presented, each and all of those parties stand exonerated from all blame growing out of their voting in November?—A. I so understand it.

Adjourned until 7 p. m.

Parties met pursuant to adjournment at 7 p. m.

Cross-examination continued by J. J. LAMOREE:

155. Q. These gentlemen whom you call students I suppose have been attending Madison University or Colgate Academy more or less during their stay in Hamilton, have they not?—A. Yes, sir.

156. Q. Both of those institutions are situated in Hamilton, are they not?—A. Yes, sir.

157. Q. And are largely endowed, are they not, as schools designed more particularly for the education of gentlemen connected with the Baptist Church, and are they not under the supervision of the Baptist denomination?—A. The schools are open to all, but under the supervision of the Baptist denomination.

158. Q. And are they not devoted more particularly to theological studies?—A. There is a theological department connected therewith.

159. Q. And about how many students were there in attendance at that institution last November?—A. About two hundred.

160. Q. And from that number how many do you claim voted at Hamilton November 5?—A. Fourteen or fifteen.

161. Q. Have you any means of knowing why it was that no more than fourteen or fifteen from that large number voted at the election?—A. They regarded their right to vote as doubtful, I suppose.

162. Q. Did you understand that Judge Wallace of the United States court examined the law and wrote an opinion which was distributed throughout the northern district of New York touching the qualifications of student voters?—A. I understand there was such a decision and saw it in several papers.

163. Q. Was it not the subject of much conversation in Hamilton where so many students were living both prior to and on election day?—A. It was prior to.

164. Q. Can you say that those students who voted did not first carefully examine that decision as bearing upon their respective cases?—A. I cannot.

165. Q. Have you not heard it publicly stated in Hamilton that those who voted, first consulted with counsel with reference to their right to vote under the ruling and decision of Judge Wallace to which I have referred?—A. I have.

166. Q. And you understood that they were advised that their respective cases did not fall within the rule of disqualification pointed out and decided by Judge Wallace, and hence that they were legal voters. I mean those who ventured to vote while the rest of the students were not so entitled to vote?—A. I heard so.

167. Q. And have you any doubt as to that fact?—A. No.

168. Q. Then I understand you to say that you do not understand that those students, as you call them, intentionally violated any law?—A. I don't think they did.

169. Q. And I also understand you to say that since those votes were cast it has been judicially decided that those who voted were legal voters and entitled to exercise the elective franchise, as they did respectively November 5, at Hamilton?—A. It has been so decided by Commissioner Dennison, as to all against whom complaints were made.

170. Q. Did not the arrest of these students cause much excitement and considerable ill-feeling between political partisans in the village of Hamilton, so far as you have been able to learn?—A. I was not here when the arrest was made, but I so understood.

171. Q. And do you know how far that excitement and personal feeling has contributed to the personal endeavor of Mr. Duffy's partisans and supporters making the further charge that money had been used on the part of Mr. Mason?—A. I do not.

172. Q. Can you say that the rumors which have been set afloat in Hamilton with reference to the use of money by Mr. Mason have not been the mischievous work of Mr. Duffy's own partisans and with a view

both to injure Judge Mason and to benefit Mr. Duffy in the matter of this contest?—A. I cannot.

173. Q. Can you name a single supporter of Mr. Mason, except Mr. Welton, to whom you have referred, who has ever assumed in your presence to place the least credence in those rumors?—A. I cannot.

174. Q. Did you notice Judge Mason on the night of election within the canvassing-room, before the canvass had commenced?—A. I did not. I did not notice him there.

175. Q. Did you observe any more activity in getting out the vote on election day on the part of one party more than another?—A. I did not.

176. Q. Did not all of the parties working in their own interest, through their chosen committeeman and poll drivers, repeatedly during the day, accompany voters to the polls?—A. I have no recollection of but one case. Mr. Cushman's.

177. Q. Have you no recollection of other voters approaching the polls, in company of leading partisans there employed upon either side?—A. I have not.

178. Q. Then you do not know of Mr. Cushman having brought but one voter to the polls that day, and that was the last vote cast?—A. I have not.

179. Q. You say that you heard James Kelloway say that he was going to vote the Greenback ticket. How long was that before election?—A. But a few days.

180. Q. Can you swear whether it was before or after Governor Boutwell spoke in Hamilton?—A. Couldn't say whether it was just before or just after.

181. Q. Can you say that he or any member of the Kelloway family declared his intention to vote the Greenback ticket after the Boutwell meeting?—A. I cannot.

182. Q. Can you say that they did not from the time of that meeting repudiate the Greenback idea of inflation?—A. I cannot.

183. Q. Do you know by what right any man charged James Kelloway, or his brothers, with having sold their votes on election day for a consideration?—A. I do not.

184. Q. Will you give the name of any man who so charged them in your presence?—A. I cannot.

185. Q. Will you give the name of any person outside of Mr. Duffy's supporters who expressed the slightest belief in the rumor that James Kelloway or his brothers had sold their votes?—A. I will not.

186. Q. Who do you say understood that the Kelloway brothers were going to vote for Mr. Duffy up to Sunday noon before the election?—A. I understood so. I don't know what any one else understood.

187. Q. What right had you to so understand at any time, after Mr. Boutwell made his speech upon finance at Hamilton, if any?—A. Because I did not hear it contradicted till Sunday.

188. Q. And is that all you can state in answer to my question?—A. Yes, sir.

189. Q. Have you not heard it repeatedly said that William Kelloway declared his opposition to Mr. Duffy on the very night that gentleman spoke in Hamilton?—A. I have not.

190. Q. Have you any reason to believe that he did not so declare?—A. I have none.

191. Q. Who do you say understood that Charles Kelloway and William Kelloway were going to support Mr. Duffy, till the Sunday before election?—A. I understood so.

192. Q. Can you name any others?—A. No, sir.

193. Q. Please explain then how it is you make we out of yourself?—A. Don't remember of having used that term.

194. Q. Were you an active partisan in the support of Mr. Duffy?—A. I was not overzealous.

195. Q. How came you so tame in the support of Duffy?—A. I did not quite believe the doctrines that he held.

196. Q. Then, sir, why did you support him?—A. Because when we attend caucuses and appoint delegates to attend conventions, I think that as a party they ought to stand by the nominations of such delegates.

197. Q. And is your partisanship so strong that you will carry it to the extent of supporting a candidate directly opposed to your own ideas of political economy?—A. If I help delegate power to others to act for me, I feel bound to abide by their actions.

198. Q. Do you mean by that that you always eat crow when it is dished up by Democratic waiters?—A. I meant just what I said; my answer to the previous question is answer to this.

199. Q. To be serious, did you support Mr. Duffy with a protest upon your heart?—A. Can't always express my feelings.

200. Q. Where did you have this conversation with Mr. Welton?—A. In the room where we completed the canvass.

201. Q. What time on the evening of election did this conversation take place?—A. About ten o'clock.

202. Q. Who was present?—A. Mr. Waldron, Mr. Welton, Mr. Stapleton, and my brother George and myself.

203. Q. Did you talk with Mr. Welton upon that subject upon any other occasion?—A. Don't think I did.

204. Q. Did you make a memorandum of what was said on that occasion?—A. No, sir.

205. Q. To whom did you first relate that conversation?—A. To you, to-day.

206. Q. Has your attention ever been called to it till to-day?—A. No, sir.

207. Q. Do you assume to state at this time that you can give the precise words used by Mr. Welton?—A. I do not.

208. Q. Are you able to decide in your own mind wherein you vary from the true version?—A. I don't know that I do vary.

209. Q. Do you know whether you vary or not from the true version?—A. I do not.

210. Q. Where did you have your conversation with Mr. Keith?—A. I don't think I stated I had a conversation with Mr. Keith.

211. Q. Then you may state now whether you did or not.—A. I did not.

212. Q. Where do you say that you heard Mr. Keith express himself on the money question?—A. In our store.

213. Q. Do you say that you own a store or any part of one?—A. I do not; we rent a store, and call it ours; I own a part of the goods as partner.

214. Q. What time in the day did you hear Keith express himself?—A. In the afternoon of the 6th day of November.

215. Q. Any one present?—A. Yes, sir.

216. Q. Who?—A. I can't tell; several.

217. Q. At that time you understood Keith to be one of the wounded?—A. He acted that way.

218. Q. You were expressing condolence over the result?—A. No.

219. Q. You said nothing?—A. Nothing that I think of.

220. Q. Did you make a memorandum of what Keith said?—A. No, sir.

221. Q. Do you claim you can give his exact language?—A. Could not.

222. Q. Then you do not pretend you gave his exact language on the direct examination?—A. I do pretend so.

223. Q. What is it that disenables you to give it now?—A. Not anything.

224. Q. I understood you to say that you did not pretend to say you could give his exact language; am I correct?—A. I think not.

225. Q. Do you now say you can give his language as he used it the day after election?—A. I can as near as I can remember it.

226. Q. Do you say that you remember it correctly?—A. I suppose I do.

227. Q. You may give it word for word, and the whole of it.—A. There was a pile of money used by some one; that's all I have to say.

228. Q. Now, sir, have you given all that was said, as you remember it?—A. That was his remark, as I remember.

229. Q. Do you remember that he said anything else?—A. I don't remember anything else.

230. Q. Then, sir, you do not remember of his using the term Mason, do you?—A. Not in connection with that remark.

231. Q. To whom did you first relate what Keith said?—A. Here, to-day.

232. Q. You never heard of Cushman's buying votes until after the negro was arrested, did you?—A. No, sir.

233. Q. And you don't know who is the father of that story, do you?—A. I do not know.

234. Q. Did you hear of that before the negro was closeted in White's office?—A. Yes, sir.

235. Q. Then you must know when he was in White's office?—A. I learned it to-day.

236. Q. Then when was it?—A. A day or two after he was released, as sworn to by Smith.

237. Q. Will you give the name of any person whom you have ever heard say that Cushman bought a vote on election day?—A. I heard Mr. Stapleton.

238. Q. Did Stapleton tell you that Cushman bought a vote on election day?—A. Yes, sir.

239. Q. Is that the Stapleton that was sworn in behalf of Duffy yesterday?—A. Yes, sir.

240. Q. And whose examination is not concluded yet?—A. I don't know as to that.

241. Q. Did Stapleton profess to know that Cushman bought a vote?—A. He professed to know it by hearsay.

242. Q. Is that all you know of Cushman's corruption on election day?—A. Yes, sir; that's all I know.

243. Q. You say you did observe a change among Democrats immediately after Mr. Duffy's speech in Hamilton?—A. I did.

244. Q. And did you not also hear it remarked that Mr. Duffy had lost votes by coming to Hamilton and making that speech?—A. I did.

245. Q. And have you any reason to doubt that fact?—A. I have not.

246. Q. Did it not have a tendency to alienate hard-money Democrats from his support?—A. To a certain extent.

247. Q. Do you know the full extent?—A. I do not.



248. Q. Did Stapleton go to Auburn with you against these students ?  
—A. Yes, sir.

249. Q. Did Stapleton accompany you on your four trips to Utica ?—  
A. Yes.

250. Q. Can you name those who accompanied you on those four trips ?—A. Don't know as I can.

251. Q. Can you name the witnesses who have been sworn in behalf of Mr. Duffy, and who did not accompany you to Auburn or Utica at the times you appeared against the students ? If so, name them.—A. La Mott Smith, Thad. Leonard, and John E. Smith.

252. Q. You may now name those who did accompany you.—A. C. W. Stapleton, George Beal, my brother, J. C. Kennedy, E. E. Welton, Professor Towle, Prof. E. B. Spear, Dr. E. Dodge, Dr. Maynard, David Smith. I don't remember anybody else.

253. Q. Did you see any money used on election day or notice any indications of money at the polls or elsewhere ?—A. I did not.

254. Q. And did you hear a word said with reference to money on election day until after the votes had been counted and the result ascertained ?—A. I did not.

255. Q. At the time Mr. Keith spoke with reference to money having been used, did he say that money had been used for corrupt or improper purposes ?—A. He did not.

256. Q. Did Mr. Welton say that money had been used for corrupt or improper purposes ?—A. He did not.

257. Q. Can you name any one who ever did say money had been used for corrupt or improper purposes in behalf of Mr. Mason up to the time of the arrest of the negro ?—A. I cannot.

Redirect examination :

258. Q. You say that Mr. Welton, in saying what he did, said it in such a way that you understood it to refer to improper uses. State what he said and how he said it.—A. I shall have to divide my answer to question. As to first part, I have never said so ; second, I guess judge is elected ; it has cost somebody a pile of money.

259. Q. Did some say that Republicans had lost votes on account of Boutwell's speech ?—A. I did not hear any such thing.

260. Q. Were you at Utica when Hollingsworth had his examination ?  
—A. Yes, sir.

261. Q. Was Mr. White, Mr. Duffy's counsel, there that day ?—A. No, sir.

262. Q. Was it publicly stated at Utica on the day of that examination that Mr. Cushman had bought the negro's vote ?—A. I heard it stated at Coon's office and at American Hotel.

263. Q. Did you hear it there stated that Judge Charles Mason advised the arrest of Cushman, or words to that effect ?—A. I did, if Cushman did any such thing as that.

264. Q. Did he not there state in substance that you have not got the guilty man ?—A. I don't know.

265. Q. What was said in the conversation in your store that gave you to understand that Mr. Keith referred to Mason when he said that some one had used a pile of money ?

(Objected to ; immaterial and incompetent ; witness should be confined to the language and not his interpretation of it. Objection overruled.)

A. They were speaking of Mr. Mason's election.

266. Q. And Mr. Keith made this response ?—A. Yes, sir.

267. Q. Is that a catalogue of M. University? (Book shown witness.)  
—A. Yes, sir.

268. Q. Are the names of the persons whom you have mentioned therein as students marked there, except the name of Mr. Mix?—A. Yes, sir; his name does not appear.

Book offered in evidence and marked Exhibit A.

(Objected to. Immaterial, incompetent, insufficient, not binding against Mr. Mason. Its contents no evidence of the residence of the persons therein named. Objection overruled.)

Recross-examination by J. J. LAMOREE:

269. Q. Was the Judge Charles Mason who advised the arrest of Mr. Cushman, providing Mr. Cushman had been guilty of buying votes, a brother of contestee in this matter?—A. I understand he is.

270. Q. Do you know why it is that you and those who were acting with you in seeking the punishment of some one who had violated the election law, after receiving that advice from Judge Mason, declined and wholly omitted to act upon Judge Mason's advice in the arrest of Mr. Cushman?—A. I do not.

271. Q. Is that not evidence, in your judgment, of an entire lack of faith in the rumor set afloat to the effect that Mr. Cushman had bought Hollingsworth's vote or been guilty of a violation of the election law?—A. It was not.

272. Q. Did Mr. White, the present counsel for Mr. Duffy, not appear before the commissioner in the matter of these alleged election frauds as counsel?—A. He did.

273. Q. And do you know who paid Mr. White for his services or expenses?—A. I do not.

274. Q. Have you never heard anything on that subject?—A. I have not.

275. Q. Who do you say was present at the time of the conversation with Keith?—A. I do not know.

276. Q. And can you give the language used by those who were present?—A. Not any further than I have.

277. Q. Have you given any language used by those present except Keith?—A. No, sir.

278. Q. You have had a great deal of feeling growing out of the election in Hamilton November last?—A. No, sir.

279. Q. Your going to Auburn without a subpoena, of your own free will, was not inspired by any feeling in the matter whatever, I suppose; what do you say?—A. No ill feeling toward any one.

280. Q. Did you go there purely to preserve the purity of the ballot-box?—A. Yes, sir.

281. Q. When you learned that Cushman was the most guilty party, did you lose your love for the purity of the ballot-box?—A. I have never been thoroughly convinced that he was the most guilty party.

282. Q. Have you at any time been convinced that Mr. Cushman bought a vote on election day?—A. I have not.

283. Q. Do you at this time believe that Cushman used money to corrupt the election on election day?

(Counselor White advises the witness not to answer that question unless he desires, for the reason that it is immaterial and will elicit no fact, and may create unfriendly feelings between him and Cushman.)

A. I never thought he would be guilty of such an offense.

Adjourned until 9 o'clock a. m., February 26, 1879.

Parties met pursuant to adjournment at 9 a. m., February 27, 1879.

Recross-examination of Mr. THOMAS BEAL:

284. Q. If you have never thought Mr. Cushman guilty of such an offense do you at this time believe that Cushman purchased a vote on election day?—A. I do not fully believe he did.

285. Q. Then you would discredit the statements of Hollingsworth before you would believe Cushman guilty of such an act, would you not?—A. No, sir.

286. Q. Did you know of Hollingsworth swearing in his vote?—A. I do.

287. Q. Did you hear him swear that he had been a resident of the county of Madison for four months next preceding the election?—A. I did.

288. Q. Do you assume to know at this time, of your own knowledge, that Hollingsworth had not been a resident of Madison County during the four months next preceding the election?—A. I have no personal knowledge.

289. Q. Does Mr. Hollingsworth now occupy an office next adjoining the law office of Mr. Duffy's counsel?—A. I suppose he does.

290. Q. And do you know of Mr. White having his barbering done at that office during the past few months?—A. I do not.

291. Q. Have you not so understood?—A. I have not; do not know where he gets his barbering done.

292. Q. Do you not know that Hollingsworth is accessible as a witness on the part of Mr. Duffy at this time?—A. I do not.

293. Q. Do you know anything to the contrary?—A. I do not.

294. Q. And how far is Hollingsworth's place of business from the place where these depositions are being taken?—A. Twenty-five or thirty rods.

295. Q. Do you know why it is that Mr. Duffy, or his counsel, Mr. White, decline or neglect to call upon Hollingsworth as a witness upon the question of his qualifications as a voter?—A. I do not.

296. Q. Have you any doubt as to their ability to produce Hollingsworth, should they so choose, to do within a half hour?—A. I don't know.

297. Q. Have you heard of any attempt on the part of Hollingsworth to keep out of the way or to avoid the service of subpoena?—A. I have not.

Redirect:

298. Q. Does Mr. Underhill, a partisan of contestee, occupy a law office also adjoining the man Hollingsworth?—A. I suppose so.

299. Q. Have you understood that soon after Hollingsworth's interview with White, Leonard and Lippitt, the friends of contestee, and within a few days after his arrest or his discharge at Utica, where it is said he made his confession, that the friends of contestee again became Hollingsworth's friends, and that since then he has been acting in their interest?—A. I have heard say that he was silent as to regards anything about his prosecution.

300. Q. And declines to say anything to the friends of Mr. Duffy upon that subject?—A. I have so understood.

301. Q. How many of the students named in the catalogue in evidence were arrested?—A. Four.

302. Q. You may now read the names and place of residence of the persons spoken of as students who voted, as stated in Madison University catalogue.—A. P. H. Moore, Ontario, Ill., and George B. Simons, New York, from the middle class in theology; M. L. Rugg, Hamilton, of jun-

ior class of theology; Ira D. Hall, Wooster, Ohio; Lerwick L. Kneeland, Masonville; William C. Phillipp, Norwich, of junior class in college; Charles R. Powers, Panama, freshman class in college; Derins B. Grant, Delhi, senior class, Colgate Academy; George W. Baker, Eden; James H. Benedict, Mottville; Adoniram J. Cole, Minneapolis, Minn., middle class in college.

303. Q. Does Mr. Mix's name appear in catalogue?—A. It does not.

304. Q. Where did he come from to attend school here?

(Objected to as witness's understanding.)

A. I understood from Binghamton.

305. Q. Does Mr. Staples' name appear in catalogue?—A. No, sir.

Recross:

306. Q. Can you swear that Staples ever attended school a day in Hamilton?—A. I cannot of my own knowledge.

307. Q. Were these students, each and all of them, challenged at the polls on election day?—A. No, sir.

308. Q. Were any of them challenged? If so, state whom.—A. P. H. Moore.

309. Q. Was the challenge withdrawn as to him?—A. It was not.

310. Q. Will you swear that the challenge was not withdrawn after he had taken the preliminary oath and before he had taken the final oath?—A. I will.

311. Q. Did he take the final oath?—A. He did.

312. Q. Then you say he took both oaths?—A. He did.

313. Q. You may name next one.—A. G. B. Simons.

314. Q. Was the same true as to G. B. Simons?—A. Yes, sir.

315. Q. Was the same true as to M. L. Rugg?—A. Yes, sir.

316. Q. And was the same true also as to Ira D. Hall?—A. It was not; he was not challenged.

317. Q. With reference to L. L. Kneeland, was he challenged, and did he take both oaths?—A. Yes.

318. Q. Was the same true as to William C. Phillips?—A. Yes, sir.

319. Q. Also true with reference to Charles R. Powers?—A. It was not; he was not challenged.

320. Q. And was Darius B. Grant challenged?—A. He was.

321. Q. Did he swear in his vote by taking both oaths?—A. He did.

322. Q. And was the same true with reference to George W. Baker?—A. It was.

323. Q. And is the same also true with reference to James H. Benedict?—A. He was not challenged.

324. Q. Was Adoniram J. Cole challenged?—A. He was.

325. Q. And did he take both oaths?—A. He did.

326. Q. Is the same true with reference to Mr. Mix and Mr. Staples?—A. It is.

327. Q. Do you now say that any one of these students who were challenged failed to take both oaths before voting?—A. I do not.

328. Q. Do you know that those who were challenged, each and all, took both oaths before voting?—A. I do.

329. Q. Did you hear of Hollingsworth declining to talk with reference to his action on election day at any time prior to his interview with Counselor White?—A. I did not.

330. Q. If Mr. Hollingsworth is not to be depended upon as truthful while under oath, is he reliable, in your judgment, when not under oath?—A. I ought not to consider him so.

331. Q. If the oath which he took before the election-board previous

to voting was truthful, then was not Hollingsworth a voter on election day in Hamilton?—A. Yes.

332. Q. Do you know whether it is Duffy's friends or Judge Mason's friends, if either, who have induced Hollingsworth to keep his own counsel?—A. I do not.

Redirect by S. D. WHITE:

333. Q. Were these students challenged by the friends of the contestant or contestee?—A. I should judge part by one's friends and part by other's.

334. Q. How is it generally understood that these students voted; for the contestant or contestee?

(Objected to; immaterial, incompetent, not one of those classes of fact that can be established by rumor. Objection overruled, Underhill dissenting.)

A. I don't know how it was understood.

335. Q. How did you understand they voted?

(Objected to as before; same ruling.)

A. I supposed they voted the Republican ticket; they had before.

Recross by J. J. LAMOREE:

336. Q. Do you profess to know how any one of those students voted?—A. I do not.

THOS. H. BEAL.

Subscribed and sworn to February 26, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

Contestee now insists that Witness Leonard be produced for further examination, and the proper attestation of his evidence.

Contestant's counsel says he will call Leonard to-day.

*Deposition of John Rowlands.*

JOHN ROWLANDS sworn, and testifies as follows:

1. Question. Were you a member of the county committee of the Green-back party?—Answer. Yes, sir.

2. Q. Did you receive any money of Sebastian Duffy or any other person for election purposes?

(Objected to as immaterial and incompetent. Objection overruled.)

A. No, sir.

3. Q. Did you vote at this election district on the 5th of November last?—A. I did.

(The evidence of this witness is generally objected to on the ground that no notice of his examination has been served upon contestee's counsel, as required by section 108, Revised Statutes of United States, and a motion made to strike out his evidence already given. Objection overruled and motion denied.)

Now contestee's counsel demands notice and proof of service and that it be filed with the notaries as evidence of due service.)

4. Q. And were you present at the polls most of day trying to get out voters?—A. Yes, sir.

5. Q. Did you see C. W. Wickwire that day?—A. Saw him in evening; think I saw him through the day.

6. Q. Was he the law clerk of Judge Mason at that time?—A. He was at one time; can't say as he was then.

7. Q. Was he a Democrat?—A. I understand he has been.

8. Q. And did you understand that he worked for Judge Mason?—A. I so understood.

9. Q. Did you remain in town that evening until messages were received from Oswego which were favorable to Judge Mason's election?—A. No, sir. One of my neighbors and myself went to Eaton that evening. We came back at about half past ten or eleven o'clock that evening to this house.

10. Q. State what then occurred with reference to telegrams from Oswego and Mr. Wickwire.

(Objected to: It does not appear that Mr. Wickwire was the agent or attorney of Judge Mason; that matters arising after the election cannot affect the issues joined between the parties, and that the same is immaterial and incompetent. 2d. That if it is sought to prove what dispatches, if any, were received from Oswego or any other place, the dispatches themselves are the best evidence as to what was received. Objections overruled. Dissented by Underhill.)

A. There was several telegrams received in this next room after I got back. Some of them were favorable to Mr. Mason. I understood Mr. Wickwire to say that Mr. Mason said that he did not go to Oswego for nothing.

11. Q. Did Wickwire seem pleased or disappointed?—A. Don't know as he seemed either one.

12. Q. Who were present?—A. Don't know that I could tell all that were present; think Mr. Dart was one, my neighbor who went to Eaton, and quite sure John Kennedy was; and I think John Bonney was present. W. K. Lippitt was in and out.

#### Cross-examination:

13. Q. Where was Mr. Wickwire standing when he made the remark?—A. He was sitting down in the corner of the next room.

14. Q. Are you positive of what he said?—A. I am quite positive, as I understood it.

15. Q. Are you sure that you understood him correctly?—A. I think I did; but I could not swear positively I did.

16. Q. How long after that before your attention was called to the remark?—A. Can't say.

17. Q. Do you understand that Mr. Duffy sent any money, or furnished any money, to be used in Madison County—to be used for election purposes?—A. I heard that he did.

18. Q. How much money do you understand he furnished for political purposes in Madison County?—A. I do not know.

19. Q. State what you know or understand with reference to money having been furnished by Mr. Duffy.—A. I do not know of any. I understood he let Mr. Lippitt have \$100. I heard so a few days ago.

20. Q. From whom did you first hear it?—A. Can't tell; did not hear it until Monday last.

21. Q. Have you ever heard Mr. Lippitt say as to whether he had ever received money by check, draft, or otherwise from Mr. Duffy?—A. I have.

22. Q. How much did he say he received from Mr. Duffy?—A. Don't know that he said how much.

23. Q. Do you know Dr. Cherry, of Oneida?—A. I have seen him.

24. Q. Did you hear of Mr. Cherry's having received money by check, draft, or otherwise from Mr. Duffy to be used for political purposes in Madison County?—A. I heard he did receive some.

25. Q. Did you ever hear how much he received ?—A. No, sir.

26. Q. Did you hear of any other person in the county of Madison who received money from Sebastian Duffy by check, draft, or otherwise to be used for political purposes ?—A. No, sir.

27. Q. Did you know or have you heard of money having been paid to any person engaged or interested in the election of Sebastian Duffy for political services, or to be used for political purposes—to be used in the campaign or otherwise ?—A. No, sir; except Lippitt and Cherry.

28. Q. Did you hear of no person having drawn or been paid money by Mr. Lippitt or Mr. Cherry in aid of Mr. Duffy's election ?—A. No, sir.

29. Q. Did you not learn that Mr. Cherry had received \$200 from Duffy, and Lippitt but \$100 ?—A. No, sir.

30. Q. Who composed the Greenback county committee ?—A. Can't tell, except myself and Cherry.

31. Q. Did you not meet with that committee ?—A. Yes, sir.

32. Q. Where, when, and upon what occasion ?—A. Met a portion of them at Oneida.

33. Q. How many of them did you meet ?—A. I think about six or seven of them. One of them was White, from Madison.

34. Q. Who paid your expenses during the campaign ?—A. Paid them myself.

35. Q. Who composed your working force—poll drivers ?—A. Albert Dart, Eugene Wedge, and Mr. Keith principally; that's all I recollect.

36. Q. Have you no idea at this time how much money Cherry received from Duffy ?—A. No impression; think Cherry told me he received some from Duffy.

Redirect by S. D. WHITE :

37. Q. Do you understand that Cherry was chairman of Greenback county committee, and Lippett chairman of Democratic county committee, and the money paid to them was Duffy's assessment in each case ?—A. Yes, sir.

38. Q. And that such assessments were made and money paid for proper campaign purposes ?—A. Yes, sir.

Recross-examined by J. J. LAMOREE :

39. Q. What do you denominate proper campaign purposes ?—A. A man ought to receive back what money he pays out; tickets and where a hall was hired for meetings.

J. W. ROWLANDS.

Subscribed and sworn to February 26, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

*Deposition of Albert Dart.*

ALBERT DART, witness, sworn, testifies as follows :

Direct examination :

1. Question. Are you the person referred to by last witness ?—Answer. Yes.

2. Q. Do you live in Hamilton ? What is your age ?—A. Yes; aged fifty-seven.

(Same objection raised and motion made as to examination of this witness as to last witness, namely, no notice of the intended examination has been served upon contestee. Same rulings.)

3. Q. Did you on the evening of election-day see C. W. Wickwire?—  
A. Yes, sir.

4. Q. Has he always been a Democrat?—A. So far as I know.

5. Q. Were certain telegrams received favorable to Mason's election from Oswego?—A. Such dispatches were read.

6. Q. Were they or did they appear to be from one J. J. Lamoree or one Burchard?—A. Don't know what names were signed to them.

7. Q. After such dispatches were read, what remarks did C. W. Wickwire make, if any?

(Objected to; immaterial, incompetent, and for the same reasons given to a similar propounded to the last witness. Objection overruled.)

A. He remarked that Mr. Mason at such a time, stating the time, prior to election did not go to Oswego for nothing.

8. Q. Do you recollect the time he stated?—A. No, sir.

9. Q. Is it your memory that it was but a little while before election?—

A. The impression I received it was some time after canvass commenced; can't remember whether it was a few days or few weeks before election.

10. Q. Are you certain those are Mr. Wickwire's precise words?—A. I am.

#### Cross-examination:

11. Q. Where did Wickwire sit when he made remark?—A. In next room.

12. Q. Who was present?—A. Mr. Rowlands, the last witness, and Mr. Kennedy.

13. Q. What time in the evening was it?—A. About eleven or twelve o'clock.

14. Q. You say you are sure you have given his precise words?—A. Yes, sir.

15. Q. Have you ever spoken with Mr. Rowlands about that remark?—A. Yes, sir.

16. Q. When did you have a talk with Rowlands about it?—A. That night, going home.

17. Q. Then you know you both heard same conversation?—A. Yes, sir.

18. Q. And you and Mr. Rowlands were both Greenbackers?—A. Yes.

19. Q. Have you and Mr. Rowlands ever talked about the matter since?—A. Yesterday.

20. Q. In talking it over did you both remember the conversation?—A. Yes, sir.

21. Q. Did you tell him yesterday how you understood it?—A. No, sir.

22. Q. Then you didn't compare notes on the matter?—A. No, sir.

23. Q. And did you tell him that you remembered clearly and distinctly what Wickwire said?—A. I told him I recollected what Wickwire said.

24. Q. I suppose you earnestly desired the election of Mr. Duffy and the defeat of Mason?—A. If I hadn't I shouldn't have voted for him.

#### Redirect:

25. Q. When going home that night what did you and Rolands say?

(Objected to; incompetent, immaterial, proving the conversation of the witness and Mr. Rolands, they not being Judge Mason's agents or parties to this issue, and both confessedly his political enemies. Objection overruled.)

A. Substance of our conversation was, we took it as an evidence that money had been used in Mason's election at Oswego.



26. Q. Was that corroborative of many rumors which were afloat in and about Hamilton that day and evening?

(Objected to; immaterial, incompetent, in no way pertinent to the issue, and witness not competent to state what is corroborative. Overruled.)

A. It was.

(Counsel now asks that cross-examination of this witness may be suspended, and that witness Thaddeus Leonard may be produced for further cross-examination and the proper attestation of his testimony, and call upon contestant to produce Mr. Leonard.

Contestant states that he shall be produced before the depositions end.

Motion denied.)

27. Q. Were rumors of the use of money in the interest of Mr. Mason on the evening and day of election in this election district varied and numerous?

(Objected to; cannot prove fraud, the use of money, intimidation of voters, or other corrupt influences, by rumor or conjecture of witness. Objection overruled.)

A. There were such rumors; can't say how numerous.

28. Q. Might not Mr. Wickwire have used other words which you did not hear or do not now remember?

(Objected to; immaterial and incompetent. Same rulings.)

A. Yes.

29. Q. Some excitement was there, was there not?—A. Yes, sir.

30. Q. Did Wickwire seem pleased over the dispatches and the good that Judge Mason did in Oswego?

(Objected to; immaterial and incompetent. Objection overruled.)

A. He did.

Recross-examination:

31. Q. He did what?—A. Appeared to feel pleased over the news from Oswego.

32. Q. Do you know of anything else he felt pleased over?—A. Don't know of anything else.

33. Q. Do you mean to say that in giving Mr. Wickwire's language with reference to Judge Mason's going to Oswego that you did not use the language and give his statements just as he gave them?—A. I don't mean to say so. I mean to say I did.

34. Q. And do you mean to say you gave all that you remember of that conversation?—A. Yes, sir.

35. Q. Are you blessed with a good memory?—A. Probably with the average memory of farmers.

36. Q. And is Mr. Rowlands a farmer?—A. Yes, sir.

37. Q. And adjoins you?—A. Yes, sir.

38. Q. And have you recalled this remark of Wickwire a good many times since in your own mind?—A. Yes, sir.

39. Q. Then you think this conversation has not faded out, has been kept fresh in your mind?—A. Not faded out of my mind.

40. Q. Do you think it is as clear to you to-night as when you and Rowlands talked of it on the night of election?—A. Yes, sir.

41. Q. Can you name any person who was not a supporter of Mr. Duffy, and who, on the night of the election, gave currency to the rumors of which you speak, about money?—A. I can name them.

42. Q. Can you name one who supported Mason?—A. I can.

43. Q. Do you know of one dollar having been used by either party improper uses?—A. I do not—any personal knowledge.

44. Q. Were you at the polls all day ?—A. About all day.

45. Q. Did you see any indications of money having been used at that election for improper purposes ?—A. No ; I can't say that I did.

46. Q. What did you say with reference to the conversation with Rowlands while on your way home on the night of the election ?—A. I said that we talked about the remark of Wickwire ; that we took that as evidence money had been used.

47. Q. You came to the conclusion that night that money had been used ?—A. Can't answer that question yes nor no. We came to the conclusion in the daytime and evening.

(Mr. Lamoree objects to the answer being given under the promptings and suggestions of Counselor White.

Counselor White makes no promptings or suggestions except that the answer the witness gave to the question should be recorded.)

48. Q. What did you see, if anything, during the day that convinced you that money was being used by Mr. Mason or his friends, if anything ?—I saw a man that said upon Monday night he would not vote for Mr. Mason upon any consideration whatever, after being button-holed and taken one side, walk up and put in a vote for Mr. Mason.

49. Q. Was that what convinced you that money was being used by Mason's friends ?—A. That one among several things.

50. Q. You may name those persons who said to you they would not vote for Mason for any consideration whatever, and who you believe did go to the polls and vote for Mason for a consideration, if any.—A. I decline to answer it unless you leave out the word consideration, because I have not stated they received any consideration.

51. Q. I ask you to name any person who you believe voted for Mason through corrupt influences ?—A. I sha'n't answer that, because the question is not asked to cover answer I gave.

52. Q. Do you know of any person who voted for Judge Mason, and who you have reason to believe was influenced by Judge Mason or any of his friends by an unlawful consideration ?—A. I do ; that I have reason to believe.

53. Q. Name those persons.—A. John Bonney.

54. Q. Can you name any other whom you believe ?—A. I decline to answer, it being a matter of belief.

55. Q. I ask you to name any person who you have reason to believe voted for Mason through corrupt means ?—A. I answer by common report. I name Levi Hollingsworth as one. I decline to name any others.

56. Q. Do you decline upon the ground that you cannot name others ?—A. No, sir ; not by common report.

57. Q. Then I ask you to proceed to name them.—A. I have named two, and unless it is obligatory I decline to name more neighbors and friends, it being based on rumor and on election day and for a few days after.

58. Q. I now demand that you name others if you can ?—A. I can. Same answer as to previous question.

59. Q. Who do you have reason to believe corrupted John Bonney ?—A. I did not say any person in particular who used improper means.

60. Q. What makes you think he was corrupted ?—A. On Monday night previous to election he told me he would not for any consideration vote for Judge Mason. On Tuesday night, in the adjoining room here, he said to me every man has his price—some \$5, some \$10, and I don't say but that I have my price. I was talking to him about changing his vote. That was the substance of what he said.

61. Q. Do you know how he voted ?—A. I do.

62. Q. Who went up with him to the polls at the time he voted, if anybody?—A. I don't know that any one did.

63. Q. And did you judge from that that he had been corrupted by the use of money?—A. It leads me to think that way.

64. Q. Have you so reported and stated to your neighbors?—A. No, sir; I don't report such things unless I think I can substantiate them.

65. Q. Do you think you can substantiate that Bonney voted through corrupt influence?—A. I don't think I am called upon to answer that question.

66. Q. I now ask you, sir, to answer the question and state whether, from all the facts in your possession, you could substantiate the charge of corruption against Bonney?—A. That is a matter of opinion which I decline to give.

67. Q. Contestee's counsel demands an answer to his question.—A. I still decline to answer as to my belief.

68. Q. Were you offended on election day toward this man John Bonney by reason of his voting against the Greenback party?—A. No, sir.

69. Q. Who do you say button-holed Bonney, and took him one side that day?—A. Several poll-drivers; Charles Kelloway was one; don't know as I recollect any other.

70. Q. Don't you know that Charles Kelloway didn't vote himself?—A. No, sir.

71. Q. Did you button-hole anybody that day?—A. Yes, sir.

72. Q. How many did you button-hole that day?—A. Can't say.

73. Q. Did you take voters aside and talk with them?—A. Presume I did.

74. Q. And did you induce some to vote your ticket?—A. I presume I did; some part.

75. Q. Don't you know you did?—A. I know I tried. I talked to them as well as I knew how, and took them one side and talked with them.

76. Q. And, in your judgment, was that an evidence of fraud on your part?—A. No.

77. Q. And when you influenced a man to vote your ticket, did you regard that as evidence that you had corrupted the voter?—A. No.

78. Q. Do you know that other men used different influences from what you did?—A. No; not of my own knowledge.

79. Q. By what right do you assume to judge men as being corrupt when they have accomplished no more and apparently resorted to no other means than that which you have employed, while claiming to be incorruptible?—A. I have made no such assertion. I shall not answer that question as worded there.

80. Q. Do you know of Judge Mason or any of his friends at the polls on election day having done anything to influence a voter which you did not do?—A. No; I do not, of my own knowledge.

81. Q. Don't you know, and has not your life-long experience taught you, that street rumors, especially in time of public excitement, are unsafe and unwarrantable on which to charge matters of serious import?—A. My experience has taught me that in the abstract where it is not substantiated by facts.

82. Q. I ask you wherein one of the rumors to which you refer has, to your knowledge, been substantiated?—A. I don't know that any of them have been substantiated.

83. Q. If you can't cite one instance where one of those rumors has been substantiated, do you feel that you have been entirely just toward Judge Mason or his friends when you have charged them with having

corrupted the election in Hamilton by the use of money?—A. I don't understand that I have charged them with it.

84. Q. If your opinion has been expressed under oath and publicly in court founded upon rumor which you upon the time knew were unsubstantiated, do you not feel that you have been entirely unjust and that you have adopted a rule by which you would not willingly be judged yourself?—A. I am not aware that I have sworn to anything of that kind; you called for my opinion and I gave you my reasons for thinking so, and did not state them as facts.

85. Q. And yet you based your opinion, did you not, upon unsubstantiated rumors, so far as you knew or had personal knowledge?—A. I said I based my opinion upon the conversation the night before election and how Bonney voted; that was one opinion I formed.

86. Q. You say you formed your opinion on election day that corrupting influences had been brought to bear upon the election?—A. My answer is on election day and evening.

87. Q. Have you not sworn here that you came to that conclusion on election day and before evening?—A. No, sir; not if I understood the question.

88. Q. Have you not known Bonney for years as a man who talks on every side of politics?—A. No, sir, not on the Democratic side, or vote the Democratic ticket or Greenback ticket.

Redirect by S. D. WHITE:

89. Q. Are you acquainted with Charles Killoway?—A. Yes, sir.

90. Q. Up to what day did he support Greenback ticket?—A. Up to a few days before election.

Recross by J. J. LAMOREE:

91. Q. Did you on election day pay any money, give or promise to give any consideration, by favor or otherwise, or known of any one else acting in the interest of Mr. Duffy, who gave or promised to give a consideration of money, favor, or otherwise, as an inducement, and by means whereof you or they sought to influence any voter at the general election in November last?—A. In no way, shape, or form, including myself and everybody else.

ALBERT DART.

Subscribed and sworn to February 26, 1879.

S. E. SCRANTON, JR.,  
*Notary Public.*

Contestant states that it is claimed his time is nearly up and that he would have examined Mr. Dart longer, except for two reasons: One is, on account of time. The other is, that he did not know from Mr. Dart or anybody else of what he was going to swear to, except in relation to Mr. Wickwire's remarks, and in his future depositions will insist upon examining Mr. Dart fully.

Counsel calls for Mr. Grady as a witness to be sworn in behalf of contestant.

Counsel for contestee protests as it is now one o'clock of February 27, 1879, and contestant has had full forty-two days, and has entered upon the forty-third without the permission of contestee since the answer of contestee was personally served upon Sebastain Duffy, contestant, and that contestant has no right to consume further time in the taking of depositions on his part under the statute in such case provided. That contestee has been freely given already a portion of the time allowed to contestant for the taking of his depositions, that one

Thaddeus Leonard, a witness, examined on the part of contestant, and who has failed to appear and submit to needed cross-examination, but whom Counselor White has repeatedly promised to produce in court for such examination, should be produced at once, that such examination may be concluded, the testimony of said Leonard corrected and subscribed by the witness; and for that purpose, and that only, is contestee's counsel willing to continue the further hearing of depositions this night. That Joseph Mason, the contestee, being fully conscious of the entire fairness, honesty, and legality of his election, and believing as he does that the specifications contained in Mr. Duffy's notice of contest can in no manner honestly and fairly be maintained, and that no person within the [24] forty-sixth Congressional district from which he has been duly elected to Congress is able to point to a single act by word or deed directly or indirectly connecting him with fraud, intimidation, or corrupt means tending to his election, and to the end that every facility and opportunity may be given to the contestant in which to sift and investigate such alleged frauds, either upon his part or the part of those acting in his interest. Contestee, notwithstanding two days have already been given to Mr. Duffy and his counsel beyond the statutory limit in which to take depositions in the county of Madison, is now willing that contestant have two days' further time in which to continue the taking of depositions upon the part of contestant, providing contestant or his counsel will candidly say that they have evidence bearing upon the merits of the case which they desire should go upon the record for the inspection and examination of the Forty-sixth Congress, and though unable to be present himself in person, as upon all former occasions, both in Oswego County and Madison, by reason of ill health since the investigation commenced, still he is not willing that Mr. Duffy or his counsel should be deprived of the fullest and fairest opportunity to present facts within their knowledge, and contestee makes this offer without the asking of Mr. Duffy or his counsel, only asking that the time given be devoted in a suitable manner to the taking of such depositions.

The contestant states that he has such evidence and desires to produce it. That Mr. Duffy is not present, and his counsel can obtain no other lawyer here. That Mr. Duffy and his other counsel are detained by snow blockade in the county of Oswego, and contestee is noticed an examination for the 27th in this village, where it is necessary for Mr. Duffy or some one representing him shall appear. That he is willing to accept the offer of contestee providing contestee will postpone his examination for two days, so that contestant's counsel here may be able to be present at both, and contestant's counsel here states and stipulates that the contestee's time may be extended indefinitely, to the end that if he has a defense to this charge of bribery he may prove it. Contestant states that the man upon whom he specially relied in this contest, involving the rights not only of himself but of the American people, H. H. Keith, declined to act for him, and S. D. White, who has thus far conducted the examination, is the only person representing Mr. Duffy in the county of Madison as an attorney, so far as Mr. White knows. He accepts the proposition upon the condition and conditions only that the other examination may be delayed for the said two days.

Contestee's counsel desires to state that the proposition so liberally made to contestant and his counsel has not been met in good faith; denies that the railroads are blocked so as to impede travel or prevent Mr. Duffy, or those acting in his interest, from being present upon this examination. That contestee's counsel has this day, as well as upon

yesterday, seen and read letters which have come through the mail and upon the regular trains from Pulaski, the home of Sebastian Duffy, to the village of Hamilton; and has also seen and read a daily paper known as the Oswego Times, published at the city of Oswego on Monday of the present week, that no storms have prevailed since then, and a thaw has been in progress; all of which he is ready and willing to establish by sworn evidence. That he is advised by Mr. Keith, who is now present, that the statements of Mr. White, Duffy's counsel, regarding Mr. Keith's connection with the case on the part of contestant, are wholly unfounded; therefore believing contestant's counsel, if not contestant himself, as being inclined to trifle with the offers and with the interests of the defense, must decline to postpone the taking of depositions on the part of defense as duly noticed; but contestee will hold himself in readiness for the taking of further depositions on the part of contestant at the village of Hamilton as to any and all witnesses on his part for the period of two days, and upon ten minutes' notice from contestant or his counsel.

The counsel for contestant accepts the proposition providing it be on any two days when he is not engaged in attendance upon the other examination; otherwise not.

Contestee's counsel, owing to the long indisposition of contestee, his absence from the entire taking of depositions thus far, either in Oswego or Madison, except two days, and the fact that counsel is absent from his home and pressing engagements, and the firm belief that such acceptance has not been made in good faith, will not consent to continue the taking of depositions on the part of contestant for the period of more than two days from this date as proposed.

Under the offer contestant states that he shall be obliged to attend the examination, but shall hereafter insist upon two days' additional time in the future in which to take depositions in direct evidence.

The contestee now asks that the notaries now adjourn the taking of depositions till 9 a. m. of February 27, 1879, for the benefit of contestant, providing contestant desires to avail himself of the next two days in which to take further depositions.

Adjourned to 9 a. m. February 27, 1879.

Contestant's counsel accepts, and examinations are adjourned to 9 o'clock February 27, 1879.

Parties met pursuant to adjournment at 9 a. m., February 27, 1879.

Contestee demands the production of Thaddeus Leonard, that his cross-examination may proceed, be concluded, and his evidence properly attested before any other witnesses on the part of contestant; and in case contestant fails longer to produce witness Leonard, after repeated promises that he would do so, his full time under the statute having expired, contestee asks that the testimony may be stricken out.

#### *Deposition of William Grady.*

WILLIAM GRADY called.

(Contestee objects to the taking of the deposition of William Grady, upon the ground that no notice of the taking of such deposition, as provided in chapter 8, title 2, section 108 of the Revised Statutes of the United States, has been served upon contestee or his counsel.

Notice in writing of the taking of deposition of William Grady served upon Mr. Lamoree, counsel for contestee. Proof of service filed.

Contestee denies that there has been any stipulation or agreement on his part or between the parties whereby due notice, as required pursuant

to the statute in such case, giving the name of proposed witness, time and place of examination, and the officer before whom such examination is to take place, and the statutory time before examination, has been waived in any manner; that the alleged notice, to which Counselor White has appended his affidavit, has been handed to contestee's counsel after witness has been called and objection made, and the court suspended the taking of testimony to enable Counselor White to draw and serve such notice; that the same is not in due and proper form, and in and of itself is conclusive evidence that the requirement of the statute has not been had or the right to examine any one or all of the witnesses therein named has not accrued thereunder to contestant.

Contestee, for the reasons aforesaid, objects and protests against the examination of not only William Grady, but as to each and every person named herein until first due notice shall have been given of such intended examination to contestee, to enable him to know one day in advance who and what witnesses are to be called on the part of contestant, to the end that he may make inquiry and have an opportunity, after such inquiry, to cross-examine such witness or witnesses, and that the same is essential to the preservation of the rights and privileges of contestee, who has freely contributed a portion of his own time, in which to take depositions, to contestant or his counsel.

The contestant, in view of the fact that there is no one to represent his interests at the other examination now pending in this place, will give the balance of his evidence within the ten days allowed by law hereafter.

Counsel for contestee now demands the production of witness Leonard, that his examination may be concluded and his evidence be duly attested, and for a failure so to produce the said Leonard, or to have the testimony of the said Leonard duly attested, the same be stricken out.

Counsel for contestant says he will produce Mr. Leonard at any time when the contestee will suspend the other examination so that contestant can be present at both, to the end that Leonard's testimony may be concluded and duly attested.

Contestee's counsel, while demanding the production of Mr. Leonard at this time, and the completion and attestation of his evidence, will hold himself in readiness, at the village of Hamilton, pursuant to his proposition last night made, at any time within the two days then given to contestant, upon 10 minutes' notice in writing, personally served upon contestee's counsel, and, in case of failure to give such notice, and to conclude such evidence and have the same duly attested within that time, he demands that the same be stricken out as not being a deposition in the case, and that he will not consent that the same be hereafter concluded or attested in any manner in the absence of contestee's counsel and an opportunity given for further cross-examination, and the contestee will not consent to the taking of depositions at the time of rebuttal which do not belong properly to the rebuttal, and tend to accomplish the rebuttal of evidence hereafter put in by contestee and in such manner as the statute in such case made and provides.

We hereby certify that the foregoing depositions of LaMot Smith, Geo. Beal, David C. Mott, C. W. Stapleton, John E. Smith, Thos. Beal, John Rowlands, Albert Dart, and Thadens Leonard were taken by us on Thursday, February 20, and on Monday, Tuesday, and Wednesday, the 24th, 25th, and 26th days of February, 1879, at the Eagle Hotel, in the village of Hamilton, and then and there completed, except that the dep-

osition of Thaddeus Leonard was continued by consent and concluded on Tuesday, Wednesday, and Thursday, the 1st, 2d, and 3d days of April, 1879, at Tripp's Hall, in the village of Hamilton, Madison County, New York, and that the said depositions are correct and true as written in the foregoing pages.

Witness our hands and seals this 3d day of April, 1879.

[SEAL.]

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

[SEAL.]

CHAS. W. UNDERHILL,

*Notary Public for Madison County.*

### EVIDENCE TAKEN BY CONTESTEE.

#### OSWEGO COUNTY.

Depositions, &c., on the part of Joseph Mason, contestee, taken before S. M. Coon, notary public in and for Oswego County, State of New York, and W. W. Green, associate notary, together with certificate of notaries to depositions, exhibits, &c.

S. M. COON,

*Notary Public in and for Oswego County, New York.*

*Notaries public's certificate.*

STATE OF NEW YORK,

*Oswego County:*

We, S. Mortimer Coon and William W. Green, notaries public of the county of Oswego aforesaid (the said S. Mortimer Coon having been selected by Joseph Mason, contestee, to officiate, and who was named in the annexed notice in the taking of the depositions mentioned in said notice, pursuant to section 108 of the Revised Statutes of the United States, and the said William W. Green having been selected by Sebastian Duffy, contestant, to officiate with the said S. Mortimer Coon in the taking of such depositions), do hereby certify that John Ratigan, Charles S. Newell, Calvin S. Sumner, Chauncey Smith, Eugene Purple, William J. Rassmassen, James L. Quigg, Thomas Gill, Patrick Kelly, John Cody, Patrick Brennan, Charles Baker, Samuel C. Albro, Thomas Walpole, Henry L. Howe, Alanson S. Paige, Andrew Z. McCarty, Charles G. Willcox, and Galen Ouderkirk appeared before us, pursuant to the annexed notice, as witnesses on the part of Joseph Mason, the contestee in said notice mentioned, and were by us first severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned; that we caused the testimony of said witnesses, together with the questions proposed by the agents and attorneys of the respective parties, to be reduced to writing in our presence and in the presence of the agents or attorneys of the said parties and of the witnesses, which testimony and questions, thus reduced to writing, we caused to be duly attested and subscribed by said witnesses severally in our presence and in the presence of the agents or attorneys of said parties; that testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto attached, and was continued from day to day as provided in said notice; that Exhibit A, under date of March 15, 1879, sealed up herewith, is a true copy of stipulation entered into by the respective



parties, suspending the taking of depositions from March 17 to March 22, and extending time. And we do further certify that the aforementioned depositions and testimony so taken is hereto annexed by us and transmitted herewith.

Dated Oswego, N. Y., May 5, 1879.

S. M. COON,  
*Notary Public.*  
WILLIAM W. GREEN,  
*Notary Public.*

MARCH 8, 1879.

*Preliminary objection on part of contestant.*

The contestant demands of the contestee to name a notary to act as associate in the taking of depositions on the part of the contestee, if the contestee so desires.

Contestee proposes to go on with one notary, S. M. Coon, unless contestant names another.

Contestant objects to taking of any testimony under notice to take depositions dated March 6, 1879, signed by Joseph Mason, by J. J. Lamoree, attorney, before S. Mortimer Coon, as notary public, on the ground: 1st, that the notice is contrary to the statutes prescribing the manner of taking testimony in contested-election cases prescribed by Congress; 2d, that the right to the election of the presiding notary is vested exclusively by statute in the contestant; 3d, that the notice to take depositions as served undertakes to and assumes to create an entire new count from that which was designated by the contestant and is therefore invalid and illegal; 4th, that said notice was not served in sufficient time to give the full two days required by statute, when notices are served upon attorneys; 5th, the contestant having selected and elected the presiding notary to take the testimony in this contest, the same notary named by him, to wit, W. W. Green, esq., is the only person that can legally proceed to take the same.

J. J. Lamoree, esq., contestee's counsel, replies: That contestee's counsel on the 6th day of March was interrogated by counsel for contestant with reference to the time when the taking of depositions would commence on the part of contestee; that contestant's counsel was advised that the same would be taken at an early day, perhaps on Saturday, the 8th, if convenient to all parties; that contestant's counsel expressed a willingness that depositions should be so taken on Saturday; that notice was accordingly served personally on contestant's counsel, giving notice that depositions would be taken on the part of contestee at this time; that yesterday contestant's counsel came personally to confer with contestee's counsel and desired that the taking of depositions on the part of contestee be delayed for his convenience until 10½ a. m., March 8, which request was granted. Contestant's counsel again expressing himself as desirous that the taking of depositions on the part of contestee then proceed; that Sebastian Duffy, contestant, as well as his counsel, being now present, if the said Sebastian Duffy will state in person or through his attorney that he needs further time in which to prepare for the taking of depositions under the notice, that he cannot safely proceed to the taking of the same at this time, contestee will cheerfully consent that the taking of depositions on the part of contestee be adjourned until Monday next March 10, at 10 o'clock a. m., for the convenience and accommodation of contestant.

To this contestant declines to make answer and puts himself upon his legal rights as hereinbefore stated.

Contestee's counsel, regarding the action of contestant and his counsel as being calculated to delay and hinder the taking of depositions and not as made in good faith, will now ask on his own motion that the taking of depositions on the part of contestee be adjourned until Monday at 10 o'clock, for the sole purpose of allowing contestant and his attorney additional time in which to prepare for the taking of such depositions under the notice and to the end that no injustice shall be done to contestant.

Contestant declines each and every proposition made by the contestee, and seeks and asks no favor of adjournment for the purpose of enabling the contestee to claim the curing of the defective notice and the defective service thereof; second, the contestant by his counsel denies the waiver of any objections under said notice through his conversations with contestee's counsel; that the agreement to defer for one hour and a half at the place designated was for the sole purpose, and so understood by contestee's counsel, to enable him to arrange other matters so that he could appear on the day named.

Contestee's counsel having been met with a refusal on the part of contestant to accept of additional time, under adjournment, to enable him to prepare for the taking of depositions, and being present both in person and by attorney, and no claim being made that he is not ready in all respects to proceed with the taking of depositions, offers to proceed in the presence of contestant's counsel and under the notice already given to examine witnesses, and take depositions on the part of contestee, claiming, first, that, the notice was served in time, was in due and proper form; second, that any irregularity with reference to form or length of time has been waived by the action of contestant or his counsel by their action already had in the case, and that depositions under said notice will be taken on each and every day as therein stated.

Contestant's counsel insists that the pretended notice to take depositions under which he now attempts to proceed be offered and filed as an exhibit in this case as required by statute, together with due and regular sworn proof of service, that an exact and true copy thereof was served as required by statute.

Contestee's counsel requests contestant's counsel to produce the notice served upon him, that the same may be examined and compared with the duplicate or original, and the errors, if any, be made to appear.

And contestee's counsel produces his said notice, duly verified, and offers it to be marked for identification, and will produce it in due time to be transmitted with the other papers as provided by statute. Marked as follows: "Marked for identification March 8, 1879. S. M. Coon, notary public. William W. Green, notary public."

Adjourned until 2 o'clock p. m.

2 p. m., met pursuant to adjournment.

Contestee calls John Ratigan as a witness.

Contestant's counsel objects to his being examined.

Contestant demands that the said notice for the examination of this witness be filed with the notaries, and that on the refusal of the said contestee's counsel to file the same the contestant objects to the examination of the said witness or any witness on the ground, 1st, that the notaries can obtain no jurisdiction to take testimony in this contest on the failure or refusal of said contestee to file the same; 2d, that said no-

tice alone, with due proof of service or an actual waiver thereof, confers jurisdiction.

Contestee's counsel has been ready and willing to file the notice at all times, presented it to the notaries this morning, and the counsel for contestant, while he does not recognize the rule contended for as at all obligatory, yet he is willing the notice should remain with the notaries.

Notice and proof in question received and marked "Contestee's Exhibit No. 3, March 8, 1879. S. M. Coon, notary public. William W. Green, notary public."

*Deposition of John Ratigan.*

JOHN RATIGAN sworn :

3335. Question. Where do you reside?—Answer. In the city of Oswego, eighth ward.

3336. Q. How long have you resided there?—A. About seven years in that ward.

3337. Q. What is your age and occupation?—A. About 49 years old ; am a master builder and mason.

3338. Q. Did you have charge of a part of the work on Mr. Kingsford's buildings, on corner West First and Seneca streets, last fall, for the Blanchards?—A. I did.

3339. Q. What has been your political predilections for the last twenty years?—A. Democratic, except since the Greenback movement about a year ago.

3340. Q. With what party have you been identified since the Greenback party originated?—A. I was a mixture of the Democratic and Greenback, but my sympathy was with the Greenbackers.

3341. Q. How long have you lived in the city of Oswego?—A. Thirty-four to thirty-five years.

3342. Q. How long have you been a master builder?—A. Twenty years.

3343. Q. What is your firm name?—A. Ratigan & Culkin.

3344. Q. Have you been an alderman of the city, and if so, when?—A. About 6 or 7 years ago I was ; I was an alderman two years.

3345. Q. By what party was you elected?—A. By the Democratic party.

3346. Q. Are you one of the trustees of the Oswego City Savings Bank?—A. Yes, sir.

3347. Q. When was you employed by Mr. Kingsford to take charge of any part of the work on the building referred to?—A. Can't give the exact date ; either in September or October last that I begun, as soon as the excavation was complete ; a month or so before the election in November.

3348. Q. What part of the work was you employed to take charge of?—A. The mason-work, both stone and brick, on the west side of the building.

3349. Q. State the dimensions of the building.—A. One hundred feet by one hundred and thirty-two feet, and an ell when the chimney was up.

3350. Q. What number of men did you have under your charge?—A. Ten or twelve stone-masons and seven or eight laborers.

3351. Q. How long were you employed there?—A. A little over two months, and until the first snow-storm in the latter part of November or fore part of December.

3352. Q. By whom were the men employed who were under your

charge?—A. Some of them by Mr. Kingsford—the greater part. I made out a list of names and handed them to Mr. Kingsford.

3353. Q. Were the men whose names you gave to Mr. Kingsford employed on the building?—A. Yes, sir; most all of them; they were old hands of mine.

3354. Q. In putting names upon that list, did you have any reference whatever to the political relations or opinions of those men?—A. Not at all.

3355. Q. To what political parties did they belong, so far as you know?—A. Most all Democrats.

3356. Q. Did Mr. Kingsford make any inquiry of you as to the political relations or opinions of those men, or any of them, before employing them?—A. No, sir.

3357. Q. Did he ever make any inquiry of you whatever as to their politics?—A. No, sir.

3358. Q. Have you any reason whatsoever to suppose, or do you suppose, that their politics was taken into account at all by Mr. Kingsford in their employment?

(Objected to by contestant's counsel as incompetent, improper, and immaterial. Notary Coon holds it material, and Green immaterial.)

A. I have no knowledge of my own, and no reason to suppose so; I don't think he did.

3359. Q. Were any persons employed by you upon that building with any reference to their political standing?—A. No, sir.

3360. Q. Were any men employed upon that building under your charge immediately before election who were discharged immediately after election?—A. Not that I know of.

3361. Q. Were any men, so far as you have any knowledge, either employed upon that building or discharged from it with reference to the election?—A. Not that I know of.

3362. Q. Was there any variation in the number of persons employed on that work, so far as you have knowledge, at or about election time?—A. No, sir; not to my knowledge.

3363. Q. Were there any persons either employed upon, or discharged from, that work while you were employed there, except as the proper prosecution of the work required?—A. No, sir; not to my knowledge.

3364. Q. Was any effort whatever made by Mr. Kingsford, or any person in his employ or acting or professing to act for him, to influence your vote at the last election?—A. No, sir.

3365. Q. Was you requested by Mr. Kingsford, or by any one in his employment or acting or professing to act for him, to use your influence at the last November election in aid of any particular party, ticket, or person?—A. No, sir.

3366. Q. Did Mr. Kingsford, or any person in his employment or any person acting or professing to act for him, attempt, so far as you have any knowledge, to influence the vote of any person employed upon that building at the last November election?—A. Not to my knowledge.

3367. Q. What was the number of men employed upon that building?—A. To the best of my opinion there was from 150 to 200 men at one time.

3368. Q. What opportunity was given to the men at work upon that building to vote at election-day?—A. The bosses and men went in gangs; knocked off because they lived in different wards; think my turn came from eleven till one, or twelve till two; am not certain which.

3369. Q. Do you know anything whatever of any improper influences

being brought to bear upon any voter employed upon that building with respect to his vote?—A. Not to my knowledge.

3370. Q. Did the different foremen with their gangs leave at different hours or all at the same hour?—A. I could not say as to the other gangs; I only speak as to my own gang.

3371. Q. Those in your employ, did they vote in the same or different wards?—A. In different wards, on both sides of the river.

3372. Q. When you speak of their going in gangs, do you mean that they left the work in gangs or their going in gangs?—A. They left the work at one time, and went to their own polls around the city.

3373. Q. Was there any accompanying any of these men for the purpose of seeing how they voted, so far as you have any knowledge?—A. No, sir.

3374. Q. What ticket did you vote at that election?—A. Greenback ticket, mixed with Democrat some.

3375. Q. For whom did you vote for Congress?—A. Mr. Duffy.

3376. Q. Were your relations to Mr. Kingsford affected at all by that vote?—A. Not that I could discover.

3377. Q. Have you worked for Mr. Kingsford at any other time; and, if so, when?—A. I have; in 1863.

3378. Q. Do you know how any of the other men who worked under you voted at the last election?—A. No; there were only one or two who voted in my ward. I have no knowledge.

Cross-examination:

3379. Q. Have you been subpoenaed to appear in this matter, Mr. Ratigan; and, if so, when?—A. Yes; yesterday.

3380. Q. Who subpoenaed you?—A. Samuel Snody.

3381. Q. Have you a contract as master-builder upon Mr. Kingsford's building?—A. No, sir.

3382. Q. You are, then, employed there by the day?—A. Yes, sir.

3383. Q. Is your partner also employed there by the day?—A. No, sir.

3384. Q. Are you employed for any given length of time?—A. No, sir.

3385. Q. Neither have you now any certainty or assurance whether you will be again employed on that building when work is again resumed?—A. No, sir; and don't care.

3386. Q. By whom were you employed?—A. By Mr. Kingsford in person.

3387. Q. When?—A. Could not tell the exact date; about two or three weeks before the building was commenced. My impression is, in September; the fore part.

3388. Q. The men working under you in some particular branch of the work were employed by Mr. Kingsford, were they not?—A. I gave their names to Mr. Kingsford and took the men over to the job.

3389. Q. Is it not a fact that all the employés upon that building were employed by Mr. Kingsford by the day?—A. They all worked by the day. Yes, sir; so far as I know.

3390. Q. How did you come to hand a list of the names of the men working under you to Mr. Kingsford; if by request, when and where was the same made?—A. The list of names was made in front of the old cotton factory, on the mill-race wall, where I was at work. I was doing a job for the Carrington estate. Mr. Kingsford asked me for the names and the number of men I could spare to go and help him on the foundation and brick-work of this building, and I handed it to him.

3391. Q. Did you understand these men to be in your employ or in the employ of Mr. Kingsford?—A. They were in Mr. Kingsford's employ.

3392. Q. What work had been done toward the foundation of the building when you went at work?—A. I commenced the mason-work first. The digging had been done.

3393. Q. How many men did you take on that work with you of your old hands?—A. I think I took eight or nine or ten when I first went there.

3394. Q. Did the number of men under your supervision increase or diminish under the act of Mr. Kingsford?—A. As the foundation was cleared out they increased in number as there was room for them to work.

3395. Q. And up to and on the day of the election how many additional men had Mr. Kingsford employed in your branch of the work over the number employed originally?—A. After I had been at work there about a week I had the same number until the stone-work was done, except some chinking about. Can't tell.

3396. Q. A considerable portion of the brick-work and some of the laying of the joists were done before election?—A. I am not certain.

3397. Q. To the best of your judgment how much of that building had been completed up to the day of election, including stone-work, carpenter-work, and brick-work?—A. The best of my recollection is now that the stone-work was not completed. Upon reflection, think I am positive on that point.

3398. Q. One Mr. Sharp was there superintending this building, was he not?—A. He was time-keeper.

3399. Q. He was there constantly, was he not?—A. Yes, sir.

3400. Q. How long had you known him?—A. I never knew Mr. Sharp until I went on that job.

3401. Q. But you had heard of him as being in the employ of Mr. Kingsford previous to that time?—A. No, sir.

3402. Q. After you went on the job, did you not learn that he was in the employ of Mr. Kingsford as a boss in the starch factory, and had been some time previous to the commencement of this building?—A. Yes, sir.

3403. Q. He had a book, a book in which he had registered every name of the men then employed, did he not?—A. He had their names; I am speaking of my own gang.

3404. Q. Did you not understand the same as to all persons employed there?—A. I did.

3405. Q. And who had the general charge and superintendence of that building?—A. Mr. Gardner, I believe, of the mechanical part.

3406. Q. Mr. Sharp had the management and control of the laboring class, as you understand it, did he not?—A. Yes, sir; of the laboring men who were working outside of the gangs of mechanics.

3407. Q. And how many gangs were there employed of mechanics and laborers together?—A. There were five gangs of stone-masons when the stone-work was commenced. I think it increased to seven gangs when the brick-work commenced and two overseers more.

3408. Q. You do not pretend to have any knowledge as to any influences or practices in regard to election over laborers employed on that building, and cannot now say of your own knowledge that there was not, can you?—A. No; I can't say as to what was done by anybody else. I did nothing.

3409. Q. There may have been men discharged from employment in

that building by reason of political and election influences and you not have known of it?—A. Yes, sir; there might.

3410. Q. And a great number of the employees, then, may have been employed on that building for political preferment or influence, and you not have known of that?—A. That might have been so, sir.

3411. Q. You have no means of knowing whether men discharged from that work were so discharged on account of election matters; have you, or not?—A. I don't know anything about it.

3412. Q. There was both an increase and decrease in the employment of men on that building, was there not, prior to and after election?—A. The number was increased till the completion of the stone-work, when they were dismissed, a portion of them, and then the number on the brick-work was increased.

3413. Q. By whom were you instructed, and your gang, to go to the polls and vote?—A. I would not be positive whether it was Mr. Kingsford or Mr. Sharp; think it was one or the other.

3414. Q. And Mr. Kingsford is a man of well known Republican predilections, is he not?—A. They say so.

3415. Q. And the same is true of Mr. Sharp?—A. I have not much knowledge as to Mr. Sharp's politics to the time I went on to the building.

3416. Q. Is it not true that the different gangs then employed did not leave to go to the polls only upon direction of Mr. Sharp or Mr. Kingsford?—A. I think either one or the other had instructed the foremen that they might go and vote and when to go.

3417. Q. You do not pretend to say positively that no one in the employ of Mr. Kingsford accompanied none of these men to the polls, do you?—A. I have no knowledge of any such thing occurring.

3418. Q. As to the gangs outside of your own you can't say?—A. I cannot; I speak only of my own gang.

3419. Q. How many men were employed on that building that had previously been employed by Mr. Kingsford in the starch factory in the capacity of bosses or otherwise?—A. That I cannot tell.

3420. Q. When did the work on this building cease?—A. The first heavy storm of snow that came. I can't give the date.

Redirect:

3421. Q. Had Mr. Kingsford any personal interview with any of your men whose names were on the list you have spoken of?—A. I think not.

3422. Q. Was not every good mason who could be got employed upon the building as far as you know?—A. Yes, sir.

3423. Q. Was there not a difficulty in getting masons enough to push forward the work as rapidly as was desired?—A. Yes, sir.

3424. Q. Was there not an effort made to get the work forward before the cold weather should stop the work?—A. Yes, sir.

3425. Q. That effort was not successful?—A. No, sir.

3426. Q. Was there any time during the month of November, or up to about the time of the suspension of the work, that there was not as many men employed as at the time of the election?—A. I am not positive; so far as my own gang there was no difference, and noticed none in the other gangs.

Recross-examination of JOHN RATIGAN:

3427. Q. You cannot say that Mr. Kingsford did not have a personal interview with any of the men working under you on that work before either or any of them went to work?—A. I could not say.

3428. Q. There was an abundance of day laborers to be had at that time, was there not?—A. Yes, sir.

3429. Q. And a great many men were seeking employment as common laborers at that time last fall?—A. Yes, sir.

3430. Q. And there was also a large number of men employed by Mr. Kingsford in quarrying stone, were there not?—A. Yes; a good many.

3431. Q. Do you know about what number?—A. I could not tell.

3432. Q. You did not keep the time nor the number of men employed on that building?—A. No, sir.

3433. Q. And you do not know how many men were discharged or employed on that building from day to day or week to week other than your own gang, do you?—A. No, sir.

3434. Q. Consequently you do not pretend to say that the number of men was not decreased after election?—A. I don't know.

Second redirect :

3435. Q. Was there not a large number of these men who were not voters employed there?—A. That I could not tell; there was a considerable number of boys there 16 and 18 years old, and a considerable number who were not 21, I should judge from appearances, but can't say for certain whether 21 or not.

3436. Q. The quarrying of these stone was to get stock for this building?—A. Yes, sir.

Second recross-examination :

3437. Q. To the best of your judgment how many boys were employed there in doing chores?—A. From 12 to 16, whom, by appearances, I should consider under 21 years of age.

JOHN RATIGAN.

Sworn to and subscribed before us March 8, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

*Deposition of Charles S. Newell.*

CHARLES S. NEWELL, being duly sworn on this 8th day of March, 1879, says:

3438. Question. Where do you reside?—Answer. In Oswego.

3439. Q. How long have you resided there?—A. I think it is nine years this spring.

3440. Q. What business do you follow?—A. Am a mason and builder.

3441. Q. Are you a master builder; and, if so, for how long?—A. Yes; for eleven or twelve years.

3442. Q. Did you support Mr. Duffy for Congress last fall?—A. Yes, sir.

3443. Q. Were you nominated as a candidate for the office of county treasurer by the Greenback county convention last fall?

(Objected to as immaterial.)

A. Yes, sir.

3444. Q. At the time of the election did you have charge of a certain portion of the work upon the building upon the corner of West First and Seneca streets, in process of erection by Thompson Kingsford for O. M. Blanchard & Co.?—A. I was there in charge of a gang of laborers. I don't think the brick work had commenced. Men were unloading brick and sand and mixing mortar.



3445. Q. Were you approached by Thompson Kingsford or any one in his employ on the subject pertaining to the question of the election?—A. Yes, sir; I was.

3446. Q. State who.—A. Thompson Kingsford.

3447. Q. When was it?—A. It was on election-day.

3448. Q. Did Mr. Kingsford undertake to influence either your vote or that of your men, to your knowledge?

(Objected to as improper; conclusions cannot be given; should give the conversation.)

A. No, sir.

3449. Q. You may now state what Mr. Kingsford said to you at the time mentioned.—A. About eleven o'clock he came around where my gang was and said to me, "Let those that are voters in your gang go at half-past eleven and vote and return at one o'clock." That was all he said.

3450. Q. Did you see him approach or talk with any one of your men?—A. No, sir, I did not.

3451. Q. Do you know the politics of the men who formed your gang?—A. No, sir, I do not, of any of them; about two-thirds of them were under age. (This part of the answer objected to.)

3452. Q. Do you know what wards these men lived in or were voters?—A. I do not know anything about it.

3453. Q. Shortly after election, was the number of men in your gang increased?—A. It was, as soon as the brick-work was ready.

3454. Q. Do you know of any fact which has impressed your mind with the idea that the men employed upon that building were so employed, or retained in employ, by reason of their political action, or to affect the same?

(Objected to as improper and immaterial.)

A. No, sir; I don't.

3455. Q. Was not the number of men there employed larger two weeks after the election, in your judgment, than at the time of the election?—A. I don't know as any larger; they were about as thick as they could stand; as many men as could work.

3456. Q. You understood, did you not, that they were driving the work as much as possible with a view to inclosing the same before winter should set in?—A. Yes, sir.

3457. Q. And this force was maintained until about what time?—A. The general force was kept there till somewhere about the 5th of December.

3458. Q. And up to that time did you notice any material difference in the number employed?—A. No; I don't know as I did.

3459. Q. Did they not, about that time, abandon the idea of inclosing the building and prepare to suspend labor until spring?—A. Yes; about the time the general force was knocked off.

3460. Q. What was the weather about that time?—A. It was getting very cold and stormy and froze the mortar so we could not use it.

3461. Q. Would it have been possible to have continued the work and inclose the building last fall, considering the weather and the rigor of this climate, without largely increasing the expense and incurring probable injury to the building as the weather then was?

(Objected to as immaterial.)

A. No, sir.

3462. Q. Had the fall and early winter been mild and similar to that of a year ago, in your judgment could the building have been inclosed?

(Same objection.)

A. That was the intention, and I think it could.

Adjourned to Monday, March 10, 1879, at 9 a. m.

Monday, March 10, 1879, 9 a. m., met pursuant to adjournment.

3463. Q. What is the effect of severe frost upon green walls ?

(Objected to; not material to issue.)

A. It freezes the mortar and takes the life out of it, and if the bricks are wet it would have a tendency to burst the wall.

3464. Q. I understand by that that the walls would be materially weakened by being subjected to severe frost at the time of erection ?

(Same objection.)

A. Yes, sir.

3465. Q. Did you understand at the time that this building was being erected for the use of A. M. Blanchard & Co. in the manufacture of sash, blinds, doors, &c., by the use of machinery ?—A. I did; yes, sir.

3466. Q. And does not the constant jar and motion of such machinery also operate as a strain upon the walls ?

(Same objection.)

A. I don't know as it strains them, but if they were not laid up good and solid it would shake them down.

3467. Q. Since the main force were discharged, about December 5, has the weather at any time been favorable to the prosecution of that work, and, if so, when and to what extent ?—A. I don't know of any time since then that it would have been practicable to start it.

3468. Q. While at work upon the building did you discover any indication on the part of Mr. Kingsford or any in his employ to improperly influence the political action of the workmen, or any of them ?

(Objected to, first, as a repetition of the examination-in-chief, as improper in form, and incompetent.)

A. No, sir.

Cross examination of CHARLES S. NEWELL:

3469. Q. What is your age ?—A. Thirty-five.

3470. Q. You formerly resided in the town of Oswego, did you not ?—A. Yes, sir; was raised there.

3471. Q. You are a brick-mason by trade, instead of a stone-mason ?—A. Yes, sir. I work at all branches of the trade.

3472. Q. And how long have you worked at the trade ?—A. Think I commenced in 1863 to learn the trade.

3473. Q. For how many years have you been known in this community as a master-mason and contractor ?—A. I think eleven years.

3474. Q. And you have been known as a very prominent contractor and master-mason for several years past ?—A. I suppose I have.

3475. Q. And you now are interested in a large contract for the State of New York, are you not ?—A. Yes, sir.

3476. Q. Give the date of your employment by Mr. Kingsford to work by the day upon the new building being built by him, and referred to by you in your direct examination.—A. It was the 16th day of October that I went to work there, in 1878.

3477. Q. On what day did he hire you ?—A. I could not tell. Some two or three weeks before that.

3478. Q. And what were you receiving per day ?—A. Four dollars.

3479. Q. Was that not much larger pay than the majority of the hands employed upon that building were receiving ?—A. I don't know what the rest of the foremen were getting. That was more than my gang was getting.

3480. Q. There are not many master-masons in this city, are there?—  
A. Yes; there are a good many.

3481. Q. But there are not a great many who are contractors upon an extensive scale as yourself and Ratigan and Culkin?—A. Yes; there are five, six, or seven of them.

3482. Q. Give the proposed dimensions of that building.—A. I think it was a hundred by a hundred and thirty or thirty-two, with an ell on the northeast corner, where there was a boiler and engine room. It is to be a three-story building, if completed, besides the basement.

3483. Q. Give the size of the walls at the base and the size of the same at the water-table.—A. I think the footing is three-foot wall, and the wall proper two feet.

3484. Q. About how many cubic feet of stone-work were laid in that building?—A. I do not know; never made a figure on it.

3485. Q. It was originally intended that the same should be an exceedingly large and heavy building?—A. Yes, sir; for this town.

3486. Q. You may give the size of the brick wall.—A. This story up is 20-inch wall. The rest is intended to be 16 inches.

3487. Q. And what was the building intended to be used for?—A. As I understand it, it was to be for O. M. Blanchard & Co.'s sash and blind factory.

3488. Q. And they require very heavy machinery, do they not?—A. I don't know anything about it.

3489. Q. The carpenter-work in that building, so far as it progressed to the top of that story, is quite heavy, is it not?—A. I should call it so.

3490. Q. And you were employed at about the time that the foundation of the building was commenced, were you not?—A. Shortly after.

3491. Q. Is there not also a smoke-stack being built of brick, quite heavy?—A. There is.

3492. Q. Give the size of that at the base and at the top, so far as it progressed?—A. I should say the brick part was about twelve feet square at the base. Think it batters a quarter of an inch to the foot, and is probably twenty-five or thirty feet high.

3493. Q. What time of the year does building with masons cease in this city ordinarily?—A. It all depends according to the weather and the man putting it up. They generally have to quit along in December some time.

3494. Q. Is it not a fact that masons working upon outside work, such as this building, do not generally make their calculations in this climate to cease their work from about the middle of November to the 1st of December?—A. They generally make calculations to finish up the building. I never let one lay over yet.

3495. Q. By whom were the men employed working under you in your gang?—A. Mr. Kingsford, upon my recommendation.

3496. Q. What part of the work were you working on prior to and up to November 5 last?—A. I don't think the brick-work had started then; were unloading brick and making mortar.

3497. Q. And the best brick-masons were not then actually employed upon that building, were they?—A. No, sir; I did not have any there then.

3498. Q. And the men working under you at that time and employed by Mr. Kingsford were what you would call common laborers, were they not?—A. Yes, sir.

3499. Q. Who, if any one, was at, around, and about that building in the character of boss, superintendent, and time-keeper for Mr. Kingsford?—A. Mr. Sharp was around there as time-keeper—James Sharp, I

think. Mr. W. H. Gardner was there as general superintendent; James L. Quigg was there as foreman of the common laboring men.

3500. Q. And you understood that Sharp and Quigg were, prior to the time they went on that building, bosses in the starch factory?—A. I understand it so of Sharp, but don't know as to Quigg; know that Quigg used to work there years ago, but don't know as he did then.

3501. Q. And Mr. Sharp and Mr. Kingsford are men well known in this community as Republicans, are they not?—A. Well, Mr. Kingsford is, but as to Sharp I don't know; I never was acquainted with him until I went down on that building.

3502. Q. You have no means of knowing what was said by Mr. Kingsford to these men when employed by him, other than yourself, or by any other person in his employ, subsequent to this employment, or what they were given to understand, either directly or indirectly, about what was expected of them or would be expected of them for political preferments?—A. I can tell what I know about it. When he hired the men he called them all up together in my presence; told them what the wages would be; that they would do as I (Newell) told them about the work. Nothing said about politics at that time. I don't know anything of that kind afterwards, and don't know but there was.

3503. Q. Aside from yourself you do not pretend to say that none of these persons employed on that building were not approached by Mr. Kingsford or persons in his employ to influence their action on the subject of the election?—A. I don't know.

3504. Q. You mean, then, to say, that you cannot say, of your own knowledge, that they were not so approached?—A. No, sir; I can't say.

3505. Q. And you now expect re-employment upon the building when the work commences again, do you not?—A. I don't expect any such thing; don't know anything about it.

3506. Q. Have you been subpoenaed to appear in this case?—A. Yes, sir, or I should not have been here.

3507. Q. How many days have you been in attendance?—A. This is the second.

3508. Q. And you have not received your fees for both days?—A. I don't know what the fees are. I have been paid 75 cents.

3509. What is the usual and ordinary way of erecting buildings of the size and character spoken of by you, by contract or day's labor?—A. Most everybody lets by contract, and Mr. Kingsford never does.

(Contestant's counsel moves to strike out the last part of the answer as not responsive, that Mr. Kingsford don't being a volunteer statement by witness. Motion to strike out overruled.)

3510. Q. Were you employed any given length of time upon that building?—A. I was not.

3511. Q. Did you sign any contract with Mr. Kingsford?—A. No, sir; was not asked to.

3512. Q. Was there any contract signed by the men?—A. I don't think there was.

3513. Q. What time in the day was it that Mr. Kingsford instructed you to knock off the men and go and vote?—A. It was about eleven o'clock that he came round there, and gave the instructions then.

3514. Q. In what ward or wards do these men reside?—A. I don't know.

3015. Q. Mr. Sharp had the names of all these men, did he not?—A. He did.

3516. Q. Can you tell upon which side of the river the largest portion of these men lived?—A. No; don't know as I can.

3517. Q. Can you answer as to which side of the river the largest portion of all the hands employed on that building resided at that time?—A. I don't know anything about it.

3518. Q. How many men that were voters were under your management in your gang at the time of election?—A. I had twelve or fourteen men under my charge at that time, but quite a number were under age.

3519. Q. Did you know the ages of all the men in your gang?—A. No, sir.

3520. Q. State the exact number of men in your gang on the day of election, and the exact number of those that you can swear positively that were under the age of twenty-one years, and give the names of the infants.—A. Can't answer.

3521. Q. Then you can't now say how many were not voters in that gang, if any?—A. I can't tell to a man.

3522. Q. Give the best of your recollection how many were infants.—A. I should say two-thirds of them.

**Redirect examination of CHARLES S. NEWELL for contestee :**

3523. Q. Is it not frequently the case that work of this character is continued through the winter, mild winters, in Oswego?—A. Yes, sir.

3524. Q. And was not work of that character continued all winter the winter before, a year ago?—A. They might have been.

(Contestant's counsel objects to this as not responsive, and moves to strike out. Notaries disagree.)

3525. Q. You mean by that that the weather was such in the winter of 1877 and 1878 that such work as this could have been continued without material difficulty?—A. It could a good deal of the time, part of the time it could not.

3526. Q. Did you understand that O. M. Blanchard & Co. had their works burned during the summer of 1878?

(Objected to as not material. Notaries disagree.)

A. Yes, sir.

3527. Q. Did you not understand also that owing to the large amount of orders unfilled for their manufactures and the pressing necessities of their business, they had temporarily undertaken to carry on their work outside of the city limits, and at what is known as the Herrick Car Works, until this building could be finished?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. Yes, sir.

3528. Q. And did you not also understand that the business of Blanchard & Co. was of such a character that they were anxious and desirous of changing their business from said car-works to the building in process of erection for them in the city of Oswego at the earliest possible day, and that they were desirous that the work upon this building should proceed with that end in view, and the building be inclosed, if possible, last fall or early winter?

(Objected to as immaterial and calling for the understanding and not based upon facts known to him. Notaries differ. Coon for admission.)

A. O. M. Blanchard & Co. seemed very anxious about it; that is all I know.

3529. Q. As I understand you, O. M. Blanchard & Co. were very anxious that the work upon the building should proceed with all possible speed with a view to their occupancy, and the inclosing of the building last fall, as you understood it?

(Same objection; same ruling.)

A. Yes, sir.

3530. Q. At the time that Mr. Kingsford engaged the men of whom

you have spoken, I understand you to say that no reference was made to political subjects by Mr. Kingsford?—A. There was no reference to politics whatever.

3531. Q. Was there any one else present except the men, yourself, and Mr. Kingsford?—A. I don't think there was.

3532. Q. Did you afterwards know or hear of Mr. Kingsford or any one of his foremen or those acting under him undertaking in any manner either to abridge the exercise of the elective franchise or to induce those men to vote for any particular candidate?—A. No, sir.

3533. Q. From anything which came to your knowledge, either from what you saw or heard, have you reason to believe that such effort was made to affect the result of the election by Mr. Kingsford or those acting under him?—A. No, sir.

3534. Q. Was the subject of politics discussed at all around the building among the men?—A. Not that I remember of—might have been spoken of.

Recross-examination of CHARLES S. NEWELL:

3535. Q. Of what nationality is Mr. Kingsford?—A. They call him an Englishman. I don't know anything about it.

3536. Q. He is a man of reputed great wealth, is he not?—A. They say he is pretty wealthy.

3537. Q. And has in his employ from 700 to 1,000 men, has he not?—A. I don't know as to the number, but has a great number.

3538. Q. Is it not a fact that the winter of 1877-'78 was distinguishable from the winter of 1878-'79 in this, that the winter of 1877-'78 was dry and extremely cold while the winter of 1878-'79 was mild in temperature with a heavy fall of snow?—A. The winter of 1877-'78 there was not much snow nor very cold. I don't think it was a very cold winter.

3539. Q. Will you swear positively that the winter of 1877-'78 was not a drier and colder than the winter of 1878-'79?—A. No, sir.

3540. Q. Does not sharp cold weather have a greater damaging effect upon the masonry of a building than mild weather accompanied with a fall of snow while putting up the walls?—A. If putting up the wall, the cold weather would be the worst.

3541. Q. Mr. Kingsford built and completed in the fall and winter of 1877-'78 a very large brick store-building, did he not?—A. He built quite a good sized store.

3542. Q. And that building was commenced in the latter part of the summer or fore part of fall of 1877?—A. Can't tell what time commenced. I had got through with my work and all of my men went over there to work.

3543. Q. There was not so many men employed upon that store-building as upon his new building on the corner of West First and Seneca streets?—A. I should say not.

3544. Q. There was no election that fall, was there?—A. I never knew a fall but what there was an election.

3545. Q. What election was there that fall?—A. I know there was an election, but don't know who the candidates were.

3546. Q. Can you tell whether you voted that fall or not?—A. I know I did.

3547. Q. If you know you voted, give the names of the candidates that you voted for and the offices for which they were candidates?

(Objected to.)

A. I think Judge Nutting was elected a year ago. I voted for him. Don't remember the others. Yes; Mr. North was elected to the assembly; don't think of any others.

3548. Q. Mr. North was a Republican, was he not?—A. Yes, sir.

3549. Q. And was there a time-keeper on that store building?—A. I know nothing about it.

3550. Q. How long did you work on that store building, if at all?—A. Not at all.

3551. Q. The building occupied by O. M. Blanchard & Co. was burned in July last year, was it not?—A. It might have been July or August, I should say.

3552. Q. Your best recollection would be in July, would it not?—A. Could not tell which.

3553. Q. Did you have any personal interview with O. M. Blanchard & Co. about their rebuilding upon the old site?—A. Yes, sir; I did.

3554. Q. They were lessees of those premises from Mr. Ames's estate, were they not?—A. I so understood it.

3555. Q. And was it not talked that the Ames's estate would rebuild for them?—A. There was talk to that effect.

3556. Q. Aside from yourself, you do not pretend to say positively that nothing was said to any one working under you by Mr. Kingsford, or any one in his employ, as to how Mr. Kingsford would wish that men working for him should vote, or that they were not given to understand his wish by some means?—A. I could not say.

3557. Q. Aside from yourself, you do not wish to be understood as saying positively that it was not known among and to his employes that Mr. Kingsford was anxious for the election of Judge Mason?—A. I don't know anything about it.

3558. Q. You are not a politician, are you?—A. No, sir.

3559. Q. And did not accept the nomination tendered you for county treasurer?—A. No, sir.

3560. Q. But you did seek the nomination for sheriff and was defeated?—A. Yes, sir.

3561. Q. But you have been somewhat known in politics in your ward a little, have you not?—A. Yes, sir.

3562. Q. And is it not true that you have been known somewhat in your ward as a ward politician?—A. No, sir.

3563. Q. Have you ever held office?—A. Yes, sir.

3564. Q. What office?—A. I have been an alderman.

3565. Q. When were you elected?—A. In 1875.

3566. Q. Ever hold any other office?—A. No.

3567. Q. And prior to last fall election you were considerably talked about in this community as being a candidate for office, were you not?—A. I don't know how much talk there was; I suppose it was canvassed; I was a candidate.

Second redirect examination of CHARLES S. NEWELL:

3568. Q. Your candidacy for sheriff had relation to your support by the Greenback party, did it not?—A. Yes, sir.

3569. Q. Did your workmen in the fall of 1877 leave you and go to work on Mr. Kingsford's store before or after election?—A. After election.

3570. Q. And you have no reason to believe that their employment had relation to their political action?—A. No, sir.

CHAS. S. NEWELL.

Sworn to and subscribed March 10, 1879.

S. M. COON, *Notary Public*.

W. W. GREEN, *Notary Public*.

Adjourned to 2 p. m.

2 p. m. proceedings resumed.

*Deposition of C. S. Sumner.*

CALVIN S. SUMNER, being duly sworn, says :

3571. Question. What is your age, residence, and occupation ?—Answer. About 63 years old last December; reside on 117 West Third street, in third ward of the city of Oswego; at present I am employed as a foreman, and have charge of several departments in the Oswego starch factory, am also time-keeper.

3572. Q. Do you know J. Clark Cooley, who has been sworn in this case ?—A. I know J. Clark Cooley.

3573. Q. Does he reside in your ward ?—A. He does.

3574. Q. What position does he hold ?—A. Last season he was a canal collector. Don't know whether he holds the same now.

3575. Q. For how many years have you been acquainted with Mr. Cooley ?—A. Ever since we were boys; am unable to fix the time when I first knew him.

3576. Q. How long have you resided in the city of Oswego ?—A. My residence here was in 1822; my home has been here ever since that time.

3577. Q. How long have you been in the employ of the Oswego starch factory ?—A. Since the 17th of August, 1863.

3578. Q. Have you continuously been employed there since ?—A. I have; don't know that I have lost a day.

3579. Q. What business did you follow before that ?—A. My original occupation was a printer; I was in the Oswego Palladium office; I was a publisher there from 1844 to 1848, in company with the Hon. Beeman Brockway, now of Watertown; in company with Brockway from 1845 to 1848; in 1844 I was with Mr. Carpenter.

3580. Q. What other business did you do in the line of printing or publishing ?—A. In 1848 I established a job office, corner of East First and Bridge streets, Oswego; and I think it was in the fall of that year Charles Poncher and I in company started a daily paper called the Daily News; the next year Mr. Atwell purchased Mr. Poncher's interest, and we enlarged the paper and changed the name to Daily Journal.

3581. Q. Was that paper a political paper ?—A. It was not. We continued publishing that paper till the spring of 1852. I took charge of the Palladium again under the ownership of Rudolph Brenner. That was a political paper—Democratic. I continued there until Mr. W. Farling purchased the paper in 1853, I think it was. I continued with him until 1854. Then I was, I think, two years engaged for both papers in circulating the papers. I bought the papers and took charge of the circulation and paid the owner. Then I was employed in Mr. Oliphant's printing office, the father of the present owner. In 1860 I was elected collector on the west side of the river; was re-elected in 1861 and 1862.

3582. Q. On what ticket were you elected ?—A. The Republican ticket. In the spring of 1863 I was a candidate for overseer of the poor on Republican ticket against Jacob Poncher, the Democratic nominee. I was not elected. I was sent for by Mr. Kingsford some time in the summer, I think in July, and he wished to know if I wanted a situation or work in the factory, and I accepted employment under him.

3583. Q. What Kingsford was that ?—A. Am not sure which one spoke first; both Thomas and Thompson were together in their carriage when they spoke to me.

3584. Q. How many years had you been a Republican before entering



the starch factory service?—A. I don't remember the exact time of the organization of the Republican party, but think in 1854. I have been a Republican ever since then.

3585. Q. And from the organization of the Republican party up to the time that you entered the starch factory service, state if you were accustomed to attend at the polls on election day and distribute tickets in the interest of the Republican party.—A. I was.

3586. Q. Has your custom or action at the polls on election day been in any way altered, changed, or affected in that respect by reason of your employment in the starch factory.—A. It has not.

3587. Q. Before entering the starch factory service were you an inspector of elections; and if so, to what extent, and when?—A. Don't know as I can state the extent; have been a good many times; was before and since going into the starch factory; can't tell how many years, but have not been since I lived in the third ward the last time. I was inspector at the time the ward was divided, nine or ten years ago. By the division I was left in the fifth ward—a new ward—and acted as inspector there to the time, I think, of my leaving it; believe I was not inspector the last year I lived there.

3588. Q. Had your employment in the starch factory anything to do with your retention of the office of inspector of election?—A. It had not.

3589. Q. How many years since you were inspector at all?—A. I think it is seven years, or nearly that.

3590. Q. And how long since there has been any employé of the starch factory who has acted as an inspector in your ward?—A. There has been none in the third ward since I moved into it; that is my recollection. I would qualify that by saying that one of the present inspectors re-elected this spring I have understood was employed last fall on Mr. Kingsford's building. I don't regard him as an employee of the starch factory.

3591. Q. But Mr. Mackin was elected inspector in March, and the erection of the building did not commence until the following fall?—A. That is so.

3592. Q. Had his being elected inspector anything to do with Mr. Kingsford's affairs?

(Objected to, as that witness has not shown himself competent to speak.)

A. It had nothing to do with his nomination or election.

(Contestant's counsel moves to strike out as not responsive. Motion denied.)

3593. Q. You may state in what ward the starch factory buildings are located?—A. The fifth ward, all of them.

3594. Q. In what ward do the employés of the starch factory mainly reside?—A. I think the greater portion of them are in the fifth ward, probably as many as in all the others.

3595. Q. Do you know what the politics of that ward has been since it was organized into a ward? If so, you may state.—A. It has been Democratic by about 150 majority or upwards.

3596. Q. Do you remember when Senator Francis Kernan, now of the United States Senate, ran for governor of New York?

(Objected to as immaterial. Notaries disagree.)

A. I do.

3597. Q. Do you remember how much Mr. Kernan's Democratic majority was for governor then?

(Same objection. Same disagreement.)

A. I can't tell exactly. It was somewhere between two and three hundred. My impresssion is that it was nearly three hundred.

3598. Q. And did you know of considerable numbers of the starch factory men openly working at the polls in the interest of the Democratic ticket that fall?—A. I do. The ticket headed by Mr. Kernan.

3599. Q. And have you not repeatedly known of large or considerable numbers of starch factory employés both voting and working for the Democratic city ticket, and did they not so do when Hon. Alanson Paige has been a candidate for the office of mayor of this city?—A. I can't state positively as to that.

3600. Q. State what you know about it?—A. I am unable to say that they did, or that they did not.

(Contestant's counsel moves to strike out the latter part of the answer as not responsive. Not stricken out.)

3601. Q. Have you not known of large numbers of employés of the starch factory both working and voting for James Doyle, Democratic ex-sheriff of Oswego County?—A. I do; and I voted for him myself.

3602. Q. And what was the politics of the fifth ward at this spring's election, Democratic or Republican?

(Objected to as immaterial. Notaries disagree.)

A. I don't know as I can tell. It was mixed up. I would call it Democratic.

3603. Q. What was the majority in that ward for the Democratic candidate for mayor this month?—A. I can't state precisely; but in the neighborhood of fifty, I think.

3604. Q. And did considerable numbers of Democrats refuse to support the Democratic candidate for mayor because he was a Greenbacker as well as a Democrat?

(Objected to as immaterial to the issue. Notaries disagree.)

A. I was not in that ward during the election and am not positive.

3605. Q. State what you do know on that subject?—A. I don't know that I am competent to answer that question.

3606. Q. State how you understand that from what you have heard people say and your knowledge of the ward.

(Objection; not material and incompetent.)

A. I am confident that the Democratic voters have been divided on these issues as well as on the candidates.

3607. Q. What issues do you understand they have been divided on?—A. the Greenback issue for one, and in regard to the currency question.

3608. Q. You mean by that that part of the Democrats of the city are in sympathy and have been with the Greenback movement, while another portion of the same party have favored resumption and a return to a hard money basis, do you not?

(Objected to as leading. Notaries differ as to its admission.)

A. I do.

3609. Q. And was that the fact last fall in the fifth ward, and throughout the city, so far as you know or have observed?—A. It was, to my certain knowledge, in the third ward, and I suppose it to have been in the city.

3610. Q. Do you know one Dennis Sweeney, who has been sworn on the part of contestant?—A. I do.

3611. Q. And did he leave the employ of the starch factory company the same summer that you went there?—A. I don't remember distinctly, but think it was the same year.

3612. Q. And did you learn the cause of his dismissal from employment at that factory?—A. I was knowing by remarks of Mr. Kingsford

that he was discharged for intoxication; and he was generally a troublesome man.

3613. Q. And wherein was he troublesome, if you remember—by creating disturbance among the other men?

(Objected to as leading.)

A. Yes, sir; and creating fights in the factory.

3614. Q. Did you hear or know of his organizing men outside and coming there to fight before his dismissal?

(Objected to as incompetent and immaterial.)

A. I heard of such an occurrence before I went there; have no personal knowledge of it. It occurred in the department of Mr. Rassmusin, in the packing-room.

3615. Q. When was it that you heard Mr. Kingsford assign the inebriations of Sweeney and his fighting propensities as the cause of his dismissal from service?—A. Can't tell the time; some years ago; I think about the time of his dismissal, the first time, and have heard it at least once since.

Adjourned to March 11, 1879, at 9 a. m.

March 11, 1879, 9 a. m., proceedings resumed.

3616. Q. Are there certain regulations and rules governing the employés in the starch-factory; and, if so, have been for how many years?—

A. There are; I think for nearly all the time I have been there; don't remember the time of their adoption, but think a year or two after I went there.

3617. Q. And do they apply alike to all of the employés?—A. They do.

3618. Q. You may state the nature of these rules, and if there is anything relating to the political action of the employés.

(Objected to as incompetent and improper; that a copy of the rules and regulations is the best evidence.)

A. I presume you refer to the rules that every one signs when he first goes into the service; don't know that I am able to state the wording of the rules. The employés agree to obey all orders of the superintendent or his foreman as to the labor to be accomplished, regardless of the number of hours fixed as a day's work by law. I think that is the gist of it. It is so long since I have looked at it I don't remember all the requirements.

3619. Q. Do you remember anything in the rules relating to the subject of the use of intoxicating liquors or the inebriation of the employés?

(Objected to as leading, immaterial, and incompetent.)

A. I don't think there is any in the articles signed when they enter the service, but it is understood by all that no intoxication is allowed during the working hours. All employés who have been in the habit of visiting these places where liquor is sold or who have themselves sold it have been discharged.

3620. Q. Do you wish to be understood by that that those who have sold intoxicating liquors or have been in the habit of frequenting saloons and other places where spirituous liquors are sold have been discharged when their conduct was continued after entering the service, or prevailed before entering the service?

(Objected to as incompetent and immaterial.)

A. It relates to their conduct while in the employ of the starch-factory.

3621. Q. You may now state if these rules or regulations relate in any manner to the political actions or predilections of the employer.

(Same objection as the other as to immateriality and incompetency, and not best evidence.)

A. They do not.

3622. Q. And during your connection with the business of the starch-factory company, have you known of any improper influence having been brought to bear upon the employes affecting their political action?

(Objected to as incompetent and calls for a conclusion instead of the facts.)

A. I have not.

3623. Q. Have you ever known, during that time, of persons there employed desiring to vote the Democratic ticket, and who expressed a fear or apprehension that in case they should so vote they might be discharged from employment for that reason?—A. I don't know of any instance of the kind.

3624. Q. And at last fall's election did you know of any unusual effort having been put forth in behalf of Judge Mason, the Republican candidate for Congress? If so, state how and to what extent.—A. There was none to my knowledge or belief.

3625. Q. Do you know anything with reference to divisions in the Democratic party in the fifth ward last fall, and for several years past? And, if so, you may state.—A. I know that there has been and still is two factions nearly equally divided.

3626. Q. And how are they distinguished one from the other?—A. The one were supporters of Thomas Murphy and the other of Michael Murray.

3627. Q. And have they been known and distinguished as Murphy and Murray Democrats; and if so, for how many years?—A. They have, I should think, for five or six years.

3628. Q. And has the railroad influence in that ward entered into the contest between those two factions?

(Objected to; not material, there being no allegations in the answer concerning it. Notaries differ. Coon for admission. Also objected to as incompetent.)

A. It has been so supposed by many.

3629. Q. Has it been so charged by the Murray Democrats?

(Same objection. Same disagreement.)

A. It has.

3630. Q. And has the Greenback or inflation idea become a further element of division in that ward?

(Same objection. Same ruling.)

A. I think it has.

3631. Q. And which of these two factions, if either, has more largely identified itself with the Greenback movement?—A. Not being my ward, I don't know so much about it. I don't think I can answer that question.

3632. Q. Did you know of leading Democrats in the city, last fall, declining to support Mr. Duffy upon the financial question, either personally or by report?

(Objected to as being improper and incompetent so far as report. Notaries differ; Coon for admission.)

A. I am positive that was the case in the third ward.

3633. Q. You may name some of the leading Democrats in the third ward who declined to support Mr. Duffy on that issue.

(Objected to as improper in form and not material; question is whether they voted for him.)

A. I don't recall any names at present. One man, John Fitzgerald, who professed to be a Greenbacker, who worked openly against him. I only have an opinion in regard to it. I understood De Loss, De Wolf. I don't know as I can answer the question further.

3634. Q. Did you understand as to how Charles T. Richardson and Charles Rhodes and Hon. Albertus Perry and Hon. Edwin Allen voted for Congressman?

(Objected to; that the understanding is not competent; witness not shown himself possessed of sufficient facts to enable him to speak.)

A. Mr. Allen was not in our ward. The others, I suppose, opposed Mr. Duffy, but could not swear positively.

3635. Q. Do you know Chauncy Smith; and, if so, for how long?—A. I do, for a good many years; I should think at least thirty years, and perhaps longer.

3636. Q. In which ward does he reside?—A. He now resides in the third ward.

3637. Q. And during these thirty years have you known him as a Democratic politician?—A. I have.

3638. Q. You may state what you have known about his politics.—A. I have known him to be an out-and-out Democrat ever since I have known anything about him.

3639. Q. And has he been in the habit of working at the polls on election-day?—A. Not since he has been in the third ward.

3640. Q. How long is that?—A. I think at least six years.

3641. Q. What is Mr. Smith's business?—A. He is employed in the empty-box department, receiving them from the box factory and delivering them to the starch factory.

3642. Q. State whose employ he is in.—A. In the Oswego Starch Factory, Thompson Kingsford manager.

3643. A. For how many years has he been employed in the starch factory?—A. I should think it was six to seven years.

3644. Q. And during all that time has he been an open, outspoken Democrat?—A. He has.

3645. Q. And have you noticed any difference with reference to his support or advocacy of Democratic principles since he entered the employ of the starch factory?—A. I have not.

3646. Has he been foreman and is he foreman of the box factory?—A. He is not.

Cross-examination of CALVIN S. SUMNER:

3647. Q. What year did you first vote?—A. In 1837.

3648. Q. And for whom did you vote then?—A. I can't tell whom I voted for; I voted the Democratic ticket.

3649. Q. And where did you then reside?—A. In the village of Oswego, on the east side of the river.

3650. Q. And how long had you resided in the village before that time?—A. I came here as a boy in 1822, about six years old.

3651. Q. And what do you say your age was when you cast your first ballot?—A. Twenty-one.

3652. Q. Where did you learn the printers' trade?—A. In Ithica, of Mack & Andrus.

3653. Q. During what years?—A. From 1828 to 1835.

3654. Q. Were they Democrats?—A. They were.

3655. Q. And after leaving their employ you announced yourself as a Democrat, did you not?—A. I was a Democrat. I don't know anything about announcing it. I did announce it.

3656. Q. In whose employ did you first enter after leaving Ithaca?—A. The first summer I helped my grandfather on the first lock.

3657. Q. What year was that?—A. I think it was in 1835, if I remember right.

3658. Q. When and what was your next employment?—A. In December, 1835, I think, I went to the city of New York, and worked as a journeyman printer, part the time in the office of the New York Observer, but not on the paper. I worked on book work.

3659. Q. And you had begun to take an active part in politics at that time, had you not?—A. I had.

3660. Q. And had prominently identified yourself with the Democratic party?—A. I had.

3661. Q. Were you at that time a maimed man?—A. I was not.

3662. Q. And how long did you remain in New York upon that occasion?—A. I left in the next spring. I think in May.

3663. Q. Where did you next go?—A. Came back to Oswego.

3664. Q. And up to this time had you been a candidate for any office either elective or appointed?—A. I had not.

3665. Q. What enterprise did you embark in upon your return to Oswego?—A. Journeyman printer in Palladium office; John Carpenter, publisher.

3666. Q. What was the politics of that paper?—A. Democratic.

3667. Q. And how long did you remain with that paper on that occasion?—A. I think it was two years.

3668. Q. And at that time you had an extensive acquaintance in the village of Oswego, did you not?—A. I had.

3669. Q. And was still known as a Democrat?—A. Yes, sir.

3670. Q. In what year did you go to work for Mr. Oliphant?—A. In 1840 the first time. I worked for him afterwards.

3671. Q. What was your politics in 1853?—A. I had not then given up the Democratic party. I was a Democrat.

3672. Q. In 1853 you were engaged in publishing a paper, were you not?—A. I was not publisher or editor. I was foreman in the office.

3673. Q. In 1854 were you not the editor of a Democratic paper?—A. I was not.

3674. Q. Have you not testified that you had charge of the Oswego Palladium, under the charge of Rudolph Brenner, in 1852 and 1853, and that it was a Democratic paper at that time, and remained with Mr. Farling in 1854 after he, Farling, had purchased the paper?—A. I did not state it in that way. I say no.

3675. Q. In 1854 and subsequently what papers were you engaged in circulating?—A. The Palladium and Times. The latter may have been called the Advertiser at that time.

3676. Q. The Palladium at the time that you were circulating it was a Democratic paper, was it not?—A. Yes, sir.

3677. Q. And did you continue to circulate that paper during the year 1855?—A. I did.

3678. Q. And how was it in the year 1856?—A. I think it continued up to that year, but am not positive. Can't answer positively, but think I did in 1856.

3679. Q. When do you now say the Republican party was first formed and came before the public as an organized party?—A. My impression is in 1854; but am not positive.

3680. Q. Don't you know it was later than that?—A. The first real contest was in 1855, when Frémont was a candidate.

3681. Q. Did you attend any conventions in Oswego or Onondaga

counties in the year 1856 for the purpose of organizing or attempting to create a nucleus for the Republican party?—A. I did not to my recollection.

3682. Q. Was not the movement made to organize the Republican party known as the Union party?—A. I don't so remember.

3683. Q. Will you say that such was not the case?—A. I think it was not.

3684. Q. Where was the first national convention of the Republican party held, and when?—A. I think in the fall of 1855, in Chicago, but am not positive.

3685. Q. And who was the first Republican candidate for President nominated by the Republicans in national convention assembled?—A. John C. Frémont.

3686. Q. And were you at that time a Republican and publicly known as such?—A. I was.

3687. Q. When did you first announce to the public that you had become a Republican and had changed your political views?—A. I can't state the precise time; think either in fall of 1854 or spring of 1855.

3688. Q. And up to this time, how often had you been a candidate for office, either elective or appointive?

(Objected to as immaterial.)

A. I can't tell how many times; but the only office I held was inspector of elections.

3689. Q. What year was you first elected in?—A. My impression is that it was in 1848, but am not positive.

3690. Q. Had you ever sought an office by appointment up to that time?—A. I had not to my recollection.

3691. Q. Did you vote the Democratic ticket between the year 1854 up to and including the year 1860?—A. My impression is that the last time I voted the Democratic ticket was in the spring of 1854, but am not clear whether I did then or not.

3692. Q. Will you say positively that you did not vote the Democratic ticket or any part of it at elections held intermediate the year 1854 up to and including the year 1860?—A. I am positive that I did not after 1855.

3693. Q. Is it not a fact and was it not generally known and believed in this community that from the year 1854 intermediate to and up to the time that you received your last nomination at the hands of the Republican party in 1863 that you were in the habit of voting for both Democrats and Republicans, and have you not so stated at the polls on election days?—A. I have not.

3694. Q. Will you swear positively that you did not vote for any Democrats from 1854 to 1863?—A. I have no recollection of doing so. I will not swear positively.

3695. Q. In what year was you first nominated for collector on the west side of the river?—A. In 1860, by the Republicans.

3696. Q. And both Mr. Thomson and Thomas Kingsford at that time were known as prominent and active Republicans, were they not?—A. They were.

3697. Q. And Mr. Thomas Kingsford especially so, was he not?—A. He was, I think.

3698. Q. And both he and his son Thomson Kingsford, now the present manager of the Oswego starch factory, were then managing the factory, were they not?—A. They were.

3699. Q. And had at that time a great number of men in their employ?—A. They had.

3700. Q. How many times were you nominated for that office by the Republican party; twice or three times?—A. Three times for collector.

3701. Q. And both Thomas and Thomson Kingsford were active in their support for you both for the nomination and for the election, were they not?—A. I don't know that they were active in the matter. I suppose they supported me.

3702. Q. Do you not know it to be a fact that both Thomas and Thomson Kingsford were severally delegates to the different conventions that nominated you for that office and also for the office of overseer of the poor?—A. They were not.

3703. Q. From the year 1860 to and including the year 1863 both the Mr. Kingsfords were well and prominently known as active Republicans, were they not?—A. They were.

3704. Q. In the spring of 1863 you had become prominently known as a leading Republican spirit in this city, had you not?—A. You might say prominent, but don't know as to leading.

3705. Q. And there was some sympathy expressed for you by prominent Republican characters on your defeat in 1863, was there not?—A. Not to my knowledge.

3706. Q. And was it not a matter known to the public after your defeat in 1863 that you were both out of employment and office?—A. I was out of office and not out of business entirely.

3707. Q. Who came for you in July, 1863, and wished to know if you wanted a situation in the starch factory?—A. It was done by letter in the first place, or messenger. I think that was earlier than July—in June.

3708. Q. Had you ever had any experience in the work that you were called upon to do in the starch factory prior to your going there?—A. I had not.

3709. Q. And was you immediately put in as a boss or superintendent?—A. I was shipper and weigher, with men under my charge; I was not a superintendent; I had charge of the shipping department.

3710. Q. How many men did you have under you?—A. At first three men and two teamsters.

3711. Q. Did you sign any contract or agreement when you went there?—A. I think I did not at first.

3712. Q. Were you ever discharged from there?—A. I was not.

3713. Q. In what year, if at all, did you sign any contract with them?—A. I don't remember positively, but within a year or two after I went there; I should think in 1864 or 1865.

3714. Q. Did you retain a copy of it?—A. I did not.

3715. Q. In what year did Mr. Thomas Kingsford die?—A. Don't remember positively; I think in the fall of 1868 or 1869.

3716. Q. And was this system of signing contracts first inaugurated when you signed?—A. Yes; as I understood it.

Adjourned to 2 p. m.

March 11, 1879, 2 p. m., met pursuant to adjournment, and adjourned to March 12, 1879, at 9 a. m.

March 12, 1879, met pursuant to adjournment.

Cross-examination of CALVIN S. SUMNER resumed.

3717. Q. Will you produce upon your return this afternoon the contract signed by you with Mr. Kingsford?—A. I will not agree to; I don't know that I could produce it.



3718. Q. Will you produce the contract or a copy of the same that you are willing to swear to as a copy of the same?—A. It is not in my possession, and I have no control over it.

3719. Q. Will you or will you not produce a copy of the same?—A. No, sir.

3720. Q. Were you not an inspector of election in the years 1858 and 1859, before entering the employ of Kingsford, and after you claim to have turned to be a Republican?—A. I don't remember distinctly as to those particular years; my impression is that I was, but am not positive.

3721. Q. In what did ward you reside from the year 1865 to the year 1870 after entering the employ of Thomson Kingsford?—A. It was the third ward until the division of the ward, and about nine or ten years ago; can't tell exactly,

3722. Q. Now, sir, don't you know that the ward was changed in 1870?—A. No, sir; can't tell whether it was in 1869, 1870, or 1871; my impression is that it was after 1870.

3723. Q. What was that ward politically from 1865 to 1870 inclusive—the then third ward?—A. I don't remember.

3724. Q. And did you not seek for and run for inspector of elections on the Republican ticket from 1865 to 1870 inclusive?—A. I never sought for the office in my life.

3724½. Q. Did you run for those offices those years?—A. I think I did during that time run for the office, but not every year.

3725. Q. Did you not run for and was you not elected inspector of elections in the old third ward in the years 1865, 1866, 1867, 1868, 1869, and 1870?—A. I can't swear that I was or not; don't remember.

3726. Q. Is your memory as indistinct and unreliable as to all matters connected with the election in those years and your acts and doings and sayings with starch-factory employes as it is in reference to this matter? Answer yes or no.—A. I say no.

3727. Q. What was the average number of men under your superintendence from the time you entered the starch factory down to the year 1870?—A. Under my direct superintendency from eight to ten; I kept the time of more than that; I should say fifteen altogether.

3728. Q. State the average number under your superintendence from year to year from 1870 to 1878 inclusive, and indirectly as timekeeper, and the exact number under your control, and the number you were keeping time for at the last fall election of 1878.—A. I can't give the number.

3729. Q. How many men were under your control in the fall of 1878, prior to and on the day of election?—A. I can't give the number.

3730. Q. Is it because your memory is defective that you can't state the number of men so short time ago?—A. It is defective to that extent.

3731. Q. Or is it because you don't want to give it?—A. I have no objection to give it if I knew the exact number.

3732. Q. Is your memory so defective at this time that you are unable to give the number of bosses that were employed in the starch-factory at the time of the last election?—A. I don't know that I ever knew the number. I never thought of it.

3733. Do you remember of being at the third ward polls at the last fall's election?—A. I do.

3734. You may give the names of the respective bosses in the factory and the respective departments in which they belong, commencing at the principal boss.—A. Mr. George W. Gwilt is millwright; he is principal boss of that department, of millwright and building. Edward

Sayre has a general charge of men about the factory. Mr. James G. Sharp, he is under Mr. Sayre. Mr. William Cullin has charge of the scraping or drying rooms. There are some minor bosses. Mr. William J. Rassmussen has charge of the packing department by contract. James A. Southwick manufactures the paper or straw-board boxes by contract. Charles Baker has charge of the cistern department of one factory. Ransom A. Soule has charge of the boxing department, putting the liquid into boxes to be drained off preparatory to drying in factory No. 1. John Cooper has charge of same department in No. 2. Patrick Danaher is a foreman in the scraping-room under Mr. Cullin in factory No. 1. Andrew Lund, same capacity in the same factory. John King, same capacity in No. 2. John Hurly with him in same capacity in No. 2. That is all I think of at present.

3735. Q. What are the politics of these men?—A. They claim to be Republicans.

3736. Q. In what wards do they severally reside?—A. I think those men that I mentioned all reside in the third, fifth, and seventh.

3737. Q. And Mr. Rassmussen has been elected from time to time, since the year 1860, inspector of election as well as you, has he not?—A. I can't tell whether he was or not.

3738. Q. Do you not know it to be a fact that Mr. Rassmussen has been for several years an inspector of election?—A. I can't say that he has within the time specified.

3739. Q. Was he not in the years 1860, 1861, and 1862?

(Objected to as immaterial. Notaries disagree. Objection sustained by Coon.)

A. I can't say that he was or was not in those particular years.

3740. Q. Since when have you resided the last time in the present third ward?—A. My impression is that it is six years this present spring, in May.

3741. Q. Do you know of your own knowledge, or only by hearsay, that Southwick and Rassmussen have their respective jobs by contract?—A. By hearsay.

3742. Q. Do you not know it to be a fact that all the materials used by these two men are furnished by Mr. Kingsford?—A. I do.

3743. Q. State the number of men employed in and about the starch-factory and affiliated works as near as you can at the last fall's election.—A. I can't state the number; have no idea in regard to it.

3744. Q. To the best of your judgment, how many at last fall's election?—A. Upon the pay-roll of all departments there have been from five hundred to nine hundred persons of all descriptions. I can't give the number of men. I should think between two and three hundred at the time of the last election, in and about the starch factory, including foundry, machine-shops, and all.

3745. Q. You have been continually about that factory and its surrounding works for the past twelve or fifteen years, have you not?—A. I have.

3746. Q. And there has been a great number of men employed there, has there not, continually from year to year?—A. There has.

3747. Q. And you have understood that there have been and are more men employed in that factory and its attachments than any other factory in the city?

(Objected to as immaterial. Notaries disagree. Coon opposed to admission.)

A. I should think there was.

3748. Q. Have you a very extensive acquaintance with the employés

of the factory and its attachments?—A. I know, I think, most of them. I know them to be starch-factory employés when I see them.

3749. Q. The names and places of residence and the respective wards in which each man votes is known by Mr. Kingsford and the bosses and foremen under whom they work, are they not?—A. I don't know that they are.

3750. Q. The names and places of residence and the respective wards in which each man votes is known by Mr. Kingsford or the bosses or foremen under whom they work, are they not?—A. I don't know that they are.

3751. Q. Will you undertake to swear that the respective places of residence of the employés of that factory and its attachments are not known at the office of the starch-factory?—A. No, sir; I will not.

3752. Q. By whom are men the employed and discharged at that factory?—A. Mr. Kingsford has control of it. By Mr. Kingsford.

3753. Q. And the bosses are required by your rules to make report of the men to Mr. Kingsford?—A. If they disobey the rules the foremen send them to the office; that means to Mr. Kingsford.

3754. Q. The work at that factory is of such magnitude and importance, is it not, that it requires the daily attendance and close attention in the respective departments of the bosses and foremen, does it not?—A. It does.

3755. Q. On election days the employés are ordered to go and vote in numbers or squads, are they not, and has not that been the custom since you have been in the factory?—A. They have not been ordered to, to my knowledge; they have been permitted to go.

3756. Q. From whom would they seek permission to go and vote?—A. They would seek permission from the foremen that they are under.

3757. Q. And what has been the custom in that factory from year to year and including the last election, since you have been there, as to their going in numbers and as to the time of day they go?—A. I can't answer that from knowledge, because I have never been there on election day.

3758. Q. And how many men have you now under your immediate control and how many are you keeping time over?—A. I can't tell.

3759. Q. Do you keep a book in which you keep their time?—A. I do not.

3760. Q. In what way do you keep their time?—A. The book is kept in the office and I go in about four o'clock and record the time as it is.

3761. Q. And you know their names, do you not?—A. I know the names on my book.

3762. Q. And do you know where those men reside when you see them?—A. When I see them I do, but could not tell now.

3763. Q. And the same is true as to all the bosses and foremen, that they know the starch-factory employés when they see them, is it not?—A. I suppose they must or they could not keep their time.

3764. Q. And from whom do you obtain permission to abandon your place in the factory on election day?—A. From Mr. Kingsford; except in his absence from Mr. Ralph Howe.

3765. Q. And you have been in the habit of attending at and remaining at the polls on election days ever since you have been inspector, have you not?—A. I have.

3766. And is it not well known to Mr. Kingsford that you are an active Republican, and is the same not known to your men?—A. I suppose it is well known.

3767. Q. And is it not well known to Mr. Kingsford and the employés

in the starch-factory that these bosses that you have named are well known Republicans?—A. I can't swear positively what Mr. Kingsford knows, nor as to the men.

3768. Q. Have you not that understanding?—A. It depends upon what you call understanding. I suppose they do.

3769. Q. To the best of your judgment how many men has Mr. Ras-sunessen under his charge?—A. I can't recall exactly, men and boys both about half a dozen; most of his employes are girls.

3770. Q. Will you furnish, and make the same a part of your answer, a list of the men under your management and also over whom you were keeping time three months before last fall's election, and on election day, and at the present time, and furnish the same this afternoon?—A. The books are not in my possession and I cannot do it, and I have no memorandum from which I can do it.

3771. Q. You have a daily inspection of the time-book of the men over whom you keep time, have you not?—A. Yes, sir; of the present time, but not of last fall.

3772. Q. Do you pretend to say that you will be denied an inspection of the time-book or books so as to enable you to give the statement asked for?—A. I don't know whether I should or not. I think he would give it by order of the court. This is the best way I can answer it.

3773. Q. Do you think you would be so denied?—A. I don't know; don't think anything about it.

3774. Q. Will you furnish a list of such men as are on the present time-book this afternoon?

(Objected to as immaterial and incompetent.)

A. I won't undertake to do it.

3775. Q. Why will you not?

(Objected to as immaterial. Witness not obliged to give his reason on immaterial subjects. Notaries differ.)

A. I don't think I could get permission during recess. It is Mr. Kingsford's property, not mine, and I have no access to it, except at the proper time, until four o'clock.

3776. Q. And you are not disposed to seek that permission, are you?—

A. I have no objection to seek it, if necessary.

3777. Q. And will you seek to get permission to make that list?—

A. No.

3778. Q. You have been in the habit, since your employment in the starch-factory, at different elections, to distribute Republican tickets to the employes of the factory, have you not?—A. I have not, only as they have asked me for them.

3779. Q. And is it not a fact that for a number of years that it was a custom or practice for the employes to leave the factory in numbers together and receive their tickets from one of the foremen, or some person at the factory, before going to the polls?—A. I don't know.

3780. Q. Have you not so heard?—A. I have not, except from Clark Cooley and men outside.

3781. Q. And on election days the employes of the factory have come to you for tickets, have they not?—A. Some of them have.

3782. Q. Men living in both your ward and out of it?—A. Nothing to do with any out of my ward; no, sir.

3783. And on election days, when you were not inspector, you have had a poll-book or list of names of persons who were voters in your ward checking them off, have you not?—A. I have sometimes made a

memorandum, and checked it as they voted, not to designate how they voted.

3784. And have you not stood right close by the place where the inspectors received the votes to watch the voting and do your checking off?—A. I did not so do at the election at issue. Have not done so within several years.

3785. You did do so in the year 1876 and 1877, did you not?

(Objected to as immaterial; notaries differ. Coon opposed to admission.)

A. I don't remember.

3786. Q. You will not swear that you did not do so?—A. I did not during the day; might for a few minutes. I have generally been crowded away, if I wanted to do it.

3787. Q. Then you did desire to do so in 1876, or 1877, or 1878?

(Objected to as immaterial. Notary Coon sustains the objection; Notary Green in favor of admission.)

A. I had not.

3788. Q. What did you mean by being crowded away when you had got desire?—A. I have undertaken to be near the polls for other purposes than checking, and had been crowded away. My attention was called to a young man who was attempting to vote and who had no right to vote. I had no allusion to checking in my answer about being crowded away.

3789. Q. Have you not sometimes been crowded away when you desired to stand there for the purpose of checking?—A. I don't remember of any case of my desiring to stand there for that purpose.

3790. Q. Have you not sometimes been crowded away when you was standing there for that purpose?—A. Not to my recollection.

3791. Q. Have you not sometimes gone to the inspectors and inquired as to how the men voted?—A. I have not.

3792. Q. Will you swear that you have not on any occasion within the past four years gone to an inspector immediately after a man had deposited his ballot, and inquired of the inspector, whom you knew to be a Republican, how that man had voted?—A. I have no recollection of anything of the kind.

3793. Q. Will you swear positively that you have not?—A. I will not.

3794. Q. What did you do with these memorandums that you kept?—A. I destroyed them when they got the vote in.

3795. Q. And would you talk with any of the other foremen or bosses about these memorandums or show them to them?—A. I have not, only to inquire whether the men had voted.

3796. Q. Have you been in the habit, either occasionally or frequently, of talking with Mr. Kingsford or the bosses, or foremen, or employees on politics?—A. I can't say that I have frequently. I have spoken to them on politics.

3797. Q. And has it not been generally understood that the starch factory institution has been pretty nearly uniformly Republican?

(Objected to as immaterial. Notary S. W. Coon sustains the objection, and Notary W. W. Green favors admitting the answer.)

A. I can't answer that, unless you tell me what you mean by general. I could not say about being generally understood.

3798. Q. Do you not understand that the starch factory vote is uniformly Republican?—A. Not entirely.

3799. Q. Is it not nearly so?—A. I should say it was not always.

3800. Q. Is it not generally so?—A. That vote is more generally Republican than otherwise.

3801. Q. Did you ever know the starch factory vote to go any other than Republican since you have been there?—A. I have known them to vote largely for Democratic candidates.

3802. Q. For what candidates?—A. A. S. Paige, James Doyle, Mr. Thomas Murphy, Mr. Francis Kernan, now Senator.

3803. Q. Do you remember any more, either on your own instance or on the suggestion of counsel?—A. I recollect Albertus Perry receiving the vote of the starch factory. I don't recall any others.

Adjourned to 2. p. m.

Met pursuant to adjournment.

3804. Q. Were you enabled to give the names of these Democrats that you have spoken of without the aid and assistance of counsel in suggesting the names to you?

(Objected to as immaterial.)

A. I think I was.

3805. Q. Did you not give the names of part of them at the suggestion of counsel instead of at your own recollection?—A. But one, Albertus Perry.

3806. Q. Did you not give the name of Mr. Kernan upon the suggestion of Judge Churchill instead of your own recollection this morning?—A. The suggestion of counsel had nothing to do with my answer.

(Contestant's counsel insists upon a direct answer, and witness declines to give any other answer.)

3807. Q. Did you give the name of Mr. Kernan this morning before or after Judge Churchill had given you his name?—A. I can't answer it.

3808. Q. And did the voters in the starch factory uniformly vote for the Democrats you have named?—A. I don't know whether they did or not.

3809. Q. Was it not so understood by you?—A. I understood that many did.

3810. You understood that pretty nearly all of them did, did you not?—A. I should say a large portion of them.

3811. Q. For what office was Alanson S. Paige running when he received their support?—A. For mayor.

3812. Q. In what year was that?—A. I can't state the year precisely; six or seven years ago, I should judge.

3813. Q. And who was his opponent?—A. I am not positive; think Mr. Jenkins.

3814. Q. Did Mr. Paige run more than once; and, if so, how often?—A. He did. I don't know how often; several times, I think.

3815. Q. And received the strength of the starch-factory vote, did he not?—A. I think he did, a portion of it.

3816. Q. The greater portion of it?—A. I should not think he did the greater portion.

3817. Q. What makes you think he did not receive the greater portion?—A. I don't know whether he did or not.

3818. Q. And you are not now prepared to say he did not?—A. I am not.

3819. Q. Mr. Paige and Mr. Kingsford were personal friends, were they not?—A. I don't know whether they were or not.

3820. Q. Did you not so understand it?—A. I had no understanding about it.

3821. Q. Is your understanding on that question as weak upon this matter as upon other matters pertaining to the voting for Democrats?—A. I had no understanding about it.

3822. Q. You voted for Mr. Paige when he ran for mayor, did you not?—A. I did not.

3823. Q. Do you know how any one in the factory or connected with the factory voted for mayoralty when Mr. Paige run?—A. I had no direct knowledge; only by general rumor.

3824. Q. And was not the general rumor to the extent that the bosses and foremen in the factory had uniformly supported Mr. Paige?—A. I don't know that there was.

3825. Q. What was the rumor you heard?—A. That many had voted that ticket.

3826. Q. Who did you hear speak of it?—A. I can't recollect the names.

3827. Q. And it was generally understood, was it not, among the voters employed in and around the starch factory that they were to support Mr. Paige?—A. I heard nothing of the kind.

3828. Q. When did you hear these rumors?—A. During the time of the canvass and election.

3829. Q. You heard the foremen and bosses and men talk about it?—A. I have no recollection of hearing the foremen or bosses; I heard the men talk about it.

3830. Q. What makes you think that Alanson S. Paige was supported by the starch-factory voters for mayor, if you have no better information than you have just stated?—A. As before I only state it as rumor.

3831. Q. What did you mean by swearing in your examination in chief as you did that the voters in the starch factory had supported Mr. Paige for mayor, and what was your object?—A. I don't know that I did swear positively that they did; I made the statement because I believed it to be so.

3832. Q. What caused you to believe that they did so support him?  
(Objected to as having been all gone over, and counsel only undertaking to annoy the witness. Notaries disagree; Coon sustains the question.)

A. Rumor.

3833. Q. Did you have any talk with Mr. Kingsford at any time during the years from 1870 to 1878 on political matters?

(Objected to as immaterial; should be confined to last fall. Notaries disagree.)

A. I don't recall any specific conversation; think the subject of politics has been mentioned between us.

3834. Q. And you have learned, either directly or indirectly, as to whether or not nominees on the Republican ticket met the approval of Mr. Kingsford, have you not, from time to time during those years?—A. I have not.

3835. Q. Does Mr. Kingsford vote in the same ward with you?—A. He does.

3836. Q. And do you know how he votes by seeing him vote?—A. Not always; he frequently gets the tickets from me.

3837. Q. And knows that you are there at the polls on election days?—A. He does.

3838. Q. And does he also know that other men in his employ besides yourself are voters in that ward?—A. I suppose he knows it.

3839. Q. And has he ever objected to your leaving your work on election days and working at the polls?

(Objected to as immaterial and irrelevant. Notaries differ.)

A. He has not.

3840. Q. And have you been in the habit of mingling with the citi-

zens here and reading the papers published here in the city for ten years or more last past?—A. I have.

3841. Q. And have you not read comments in the press as to public rumor regarding the influencing of voters in the starch factory?—A. I have.

3842. Q. And the same has been general for years past, has it not?—A. Not in the papers.

3843. Q. Have you not heard public talk on that subject within the last ten years?—A. I have heard talk of it, I don't know how public; common among the Democrats.

3844. Q. Has the same not been common talk? Answer yes or no.—A. I say no, not as I understand common.

3845. Q. Have you heard it talked about? Answer yes or no.

(Objected to as repeating a question immediately before put to the witness and answered. Objection sustained.)

3846. Q. Has it not been commonly understood among the Republicans that they could rely upon a solid or nearly solid starch-factory vote?—A. I don't know whether it has or not.

3847. Q. By whom are the bosses and foremen in the starch factory selected and employed?—A. By Mr. Kingsford.

3848. Q. And your pay while in attendance at the polls on election day goes on at the factory, does it not?

(Objected to as immaterial. Coon sustains objection, and Green for admission.)

A. (Witness declines to answer.)

3849. Q. You were not docked in your pay for the day that you spent at the polls last fall?

(Objected to as immaterial. Notary S. M. Coon sustains objection, and Green differs.)

A. (Witness declines to answer.)

3850. Q. In what year did Colonel Doyle run for sheriff?—A. Six years ago last fall, I think. It may be more than that; it was nine years ago.

3851. Q. And he had commanded a regiment during the late civil war, had he not?—A. He had.

3852. Q. And has lost his right hand?—A. He has.

3853. Q. And did you vote for him?—A. I did.

3854. Q. And who was his opponent?—A. Ira P. Brown.

3855. Q. Why did you vote for Colonel Doyle when he was a Democrat and you so strong a Republican?

(Objected to as immaterial. Notary S. M. Coon sustains the objection; Green holds it material if connected with any influence of Mr. Kingsford.)

A. Because I preferred the man.

3856. Q. And Doyle received the vote of the starch factory employes, did he not, so far as you know?—A. He did in the fifth ward, in which I then resided.

3857. Q. And the largest portion of the voters of the starch factory then resided in that ward?—A. They did.

3858. Q. And the bosses and foremen in the factory supported Colonel Doyle so far as you know, did they not?—A. I can't say that they did generally. Don't know whether they did or not.

3859. Q. And can you say whether Mr. Kingsford was favorable or unfavorable to the election of Colonel Doyle?—A. He was not so to my knowledge. I don't know.



3860. Q. Did you have any talk with Mr. Kingsford on the subject of Doyle's election ?—A. I did not.

3861. Q. During the years that you were acting as inspector of elections, did you keep a poll-list and check off names of men as they voted ?

(Objected to as immaterial.)

A. I kept no list aside from the register required by law. One of the inspectors is required to check the names upon the registry as they vote. I did not usually do that checking. I was usually chairman of the board.

3862. Q. While you was inspector you was in the habit of receiving ballots from the voters on election day, were you not ?—A. I did on several occasions.

3863. Q. And would you not be able to tell by a slight movement of a ballot between your thumb and forefinger what ticket was being voted by exposing the printed head of the same ?

(Objected to as immaterial, it having no relation to last fall's election. Notaries disagree ; Coon sustains objection.)

A. I think it could be done.

3864. Q. To whom did you report any delinquencies of either the prescribed or implied rules of the starch factory ?—A. I made no report.

3865. Q. Have you never since your employment at the starch factory reported any violations of the rules or delinquencies ?

(Objected to as immaterial. Coon sustains the objection ; Green thinks it may possibly have some bearing.)

A. I decline to answer.

3866. Q. Have you not heard, either directly or indirectly, of employes being sent for and inquired of how they intended to vote, and also to get their tickets ?

(Objected to as immaterial, except so far as relates to last fall's election. Notaries disagree.)

A. I know of no case of the kind and have not heard of any.

3867. Q. Do you not know, and have you not heard, and have you not understood during the time of your employment, that the employes have been approached and asked as to how they voted or intended to vote, and at the same time been told to obtain their tickets from certain men ?—A. I do not—I have not.

3868. Q. And has there not been a change in the starch-factory system in late years ; this, that instead of tickets being furnished to them at the factory, that it is suggested them to obtain their tickets from starch-factory bosses at the polls ?—A. I know of no change.

3869. Q. Do you recollect a Mr. Melnotte ?—A. I do.

3870. Q. And did he work in the factory ?—A. He did.

3871. Q. In what capacity ?—A. First place, he was in the cistern-room ; believe he was what they call the plugman, and attended to draining off the water, I think ; he was afterwards in the office.

3872. Q. How long since he has worked in the factory ?—A. I forget the number of years, but quite a number—six or seven, I should think.

3873. Q. And do you not remember of him making up lists of voters before election ?—A. I can't say whether he did or not.

3874. Q. And are you not aware of the fact that just prior to last fall's election that the employes, both in the starch factory and outside laborers, foundry and machine-shop, were called upon, and the several wards in which they resided taken, and a list made up of the same and reported to the office ?—A. I know of no such list as that.

3875. Q. Did you hear of such a list ?—A. I did not.

3876. Q. Did you receive a list of names either prior to or on the day of election from the office?—A. I did not.

3877. Q. Do you not recollect a circumstance that occurred at the third ward polls in 1864 or 1865, when one of the bosses snatched a ticket out of the hands of one of the employes, which act caused the putting of every person out of the voting room; and, further, did it not lead to the appointing of several marshals on that day, and among them was not Mr. Thomas Kingsford appointed, and did he not as marshal place himself immediately in front of the ballot-box?

(Objected to as immaterial, it not relating to the election of Judge Mason, but to a matter fourteen years ago, and by Thomas Kingsford, who is now dead. Notary S. M. Coon sustains the objection, and Green holds for admission of the answer.)

A. I never knew of Mr. Thomas Kingsford being appointed a marshal. I remember disturbance at the polls. I don't recollect the circumstance in regard to the ballot. The crowd undertook to keep Mr. Thomson Kingsford from voting. Am not positive about the year. I have no recollection about such a transaction as the question calls for.

3878. Q. Will you undertake to swear that the difficulty that your attention has been called to did not originate through your own act, and that great indignation was not felt toward you on that day?—A. I have no recollection of the circumstance at all.

3879. Q. Do you not recollect the occasion at the third ward polls, when you and the starch-factory bosses were put out of the room at the polls by the citizens?—A. I would answer that that had been done frequently by a mob.

3880. Q. You do not pretend to know anything more about the discharge of Mr. Sweeny than what you have heard, do you?—A. No more than what I swore to on my direct examination I heard by Mr. Kingsford.

3881. Q. Was Sweeny discharged before or after your employment?—A. A short time afterwards.

3882. Q. And from which Kingsford did you hear it?—A. Thomson.

3883. Q. Are you a drinking man?—A. I am a teetotaler and Good Templar.

3884. Q. Are you or are you not aware of the fact that more or less of the bosses and foremen in that factory drink intoxicating liquors?—A. I have reason to believe that some of them drink ale; I don't know of anything stronger.

3885. Q. Have you not heard that some of the men drink whisky?

(Objected to as immaterial. Notaries disagree.)

A. I have.

3886. Q. And have you not heard that more or less of the employes drink both beer and whisky?—A. I know they have been suspected of it; that is the nearest I can answer.

3887. Q. By whom were they suspected?

(Objected to as immaterial. Sustained. Mr. Green changes his ruling, counsel offering to prove as a question of good faith in this rule that no investigation followed the suspicion in that connection and for that purpose.)

A. By myself.

3888. Q. Were they the men directly under your superintendence whom you suspected?—A. They were not, all of them. There has been one under my charge whom I suspected; I talked with him and he agreed to take the pledge.

3889. Q. And did you make any report of these matters to Mr. Kings-

ford or to the other bosses under whom these men suspected by you were working?

(Objected to as immaterial. Coon sustains objection; Green for admission.)

A. I will say Mr. Kingsford inquired of me with regard to this man, and I told him the facts. I made no formal report. He has since inquired of me, and I told him he was doing better. I have nothing to say about the others.

3890. Q. Have you not learned that some six or eight of the employes in the factory had been sued by a man known as Yankee Sullivan for whisky bills?—A. I know of one man sued, but don't know who by; at least I heard about it.

3891. Q. And did you report that fact to Mr. Kingsford?

(Objected to as immaterial. Notaries disagree.)

A. I did not.

3892. Q. Have you not also learned that one of the employes has been engaged in selling whisky in the city of Oswego within the past year?—A. I have not.

3893. Q. Is it a part of your duty as a boss or superintendent to report at the office any and all violations of the express and implied rules of the factory?—A. It is my duty if I did not know it to be reported by others.

3894. Q. And how are you to ascertain whether or not other bosses have reported these violations?—A. I know of no rule to that effect.

3895. Q. And was there any men discharged from your superintendence in the last six months?—A. Not under my superintendence, but on my time-book there has.

3896. Q. And how many have been so discharged?—A. One.

3897. Q. What did he work at?—A. Making barrels; he was a cooper.

3898. Q. And that was Samuel Albeo, was it not?—A. It was.

3899. Q. And when was he discharged?—A. Can't fix date; it may be two months ago.

3900. Q. Was it not three months ago?—A. I will not say it was not; I now recall a circumstance which makes me think it was in the fall.

3901. Q. And has not Mr. Albeo lately been taken back into the employ of Mr. Kingsford, or promised employment?—A. He has not been taken back properly, but merely got out some hoops for him. He furnished the poles and worked them up—round hoops.

3902. Q. He has, then, really been employed by Mr. Kingsford?—A. I should say not—only that circumstance.

3903. Q. And that employment has been and has continued within the past sixty days, has it not?—A. The only delivery of hoops I have known of has been within sixty days.

3904. Q. You state that the factory employes voted for Mr. Murphy for alderman in the fifth ward. Was not that done at the instance of the Republican ward politicians for the purpose of defeating the regular Democratic nominee?—A. I cannot say at whose instance it was done. It was done to defeat the opposing candidate.

3905. Q. Who was the regular Democratic nominee?—A. Mr. Michael Murray, I believe. Mr. Hayes was another year.

3906. Q. And was there not an understanding that the starch-factory vote should be thrown that way for that purpose?—A. I know of no such understanding.

3907. Q. What year was it that the starch-factory vote was given for Mr. Murphy?—A. Four years ago, I think.

3908. Q. And who was the opposing candidate four years ago?—A. Michael Murray.

3909. Q. Was Murray a Democrat?—A. So called—I suppose he was.

3910. Q. He was the regular Democratic nominee, was he not?—A. I think there was a contest as to the regularity.

3911. Was there any other candidate that year?—A. I don't remember distinctly, but I think there was a temperance ticket. There was no Republican candidate.

Adjourned to March 13, 1879, 9. a. m.

March 13, 1879. Cross-examination of CALVIN S. SUMNER resumed:

3912. Q. So, then, the starch-factory vote was cast for a Democrat, for the reason that you had no Republican in the field?—A. I think I stated I did not know the reason; I don't know what the reason was.

3913. Q. If you had no Republican candidate in the field, as you have testified to, the reason is obvious, is it not, why they voted for a Democrat?—A. I am willing to admit that it is obvious.

3914. Q. Were those the only times you have mentioned that Murphy was a candidate and voted for by the starch-factory voters?—A. I have no recollection as to the previous years. The subsequent year would be this spring, and he was not a candidate to my knowledge.

3915. Q. In what year was Murphy and Dennis Hayes opposing candidates?—A. I think it was two years ago.

3916. Q. And Hayes has been known as a Democrat, has he not?—A. He has.

3917. Q. And it was one Democrat against another that year, was it not?—A. It was.

3918. Q. And there was no Republican candidate in the field?—A. No, sir.

3919. Q. Do you recollect a paper published upon the east side of the river at the time that Paige and Jenkins were opposing candidates for the mayoralty called The Press?—A. I remember there was such a paper, but am not positive as to the year.

3920. Q. And it was a Republican paper, was it not, and run in opposition to the Advertiser, a Republican paper published upon the west side of the river?—A. It was.

3921. Q. And Mr. Jenkins was warmly supported by The Press for the mayoralty at that time, and Mr. Paige by the Advertiser?—A. I don't recollect.

3922. Q. Do you not know that Jenkins was supported by The Press on the east side of the river?—A. I do not; I have no recollection as to that particular year, as I stated in regard to the paper.

3923. Q. What enabled you to recollect that Alanson S. Paige as a Democrat received the support of the starch factory so as to enable you to swear in the manner in which you did in your examination in chief, when your recollection is so defective as to the action of the newspapers that year?—A. Because I think the ward was largely Democratic except upon one candidate.

3924. Q. What candidate was it?—A. That was Mr. Paige.

3925. Q. How does that make you remember any more distinctly?—A. My idea was that he ran a good ways ahead of his ticket.

3926. Q. What was Mr. Paige's majority over Mr. Jenkins that year?—A. I don't remember.

3927. Q. Give us the majority, to the best of your recollection.—A. I have no recollection about it.

3928. Q. Was it 500 or less?—A. I think it was less, but don't remember.

3929. Q. To the best of your recollection, how much less, if any?—A. I am unable to say.

3930. Q. Was it not over 500?—A. I can't tell, and don't remember.

3931. Q. To the best of your judgment, state whether Mr. Paige's majority in that race was between 100 and 200, or 200 and 300, or 300 and 400, or 400 or 500, or over that.—A. I can't say.

3932. Q. Did not the paper called The Press in its support of Mr. Jenkins, pitch into Mr. Kingsford and the starch-factory in a very violent manner in that canvass?—A. Not to my recollection.

3933. Q. And did not the Advertiser, then a Republican paper, support Mr. Paige, the Democratic nominee, in opposition to the Republican nominee?—A. It did not to my recollection.

3934. Q. Will you swear positively that The Press did not charge intimidation by Mr. Kingsford and the starch factory bosses that year, and that the Advertiser did not support Mr. Paige?

(Objected to as immaterial; and, if true, there is better evidence. Notary S. M. Coon sustains objection; Green favors admission.)

A. I will not.

3935. Q. Will you swear positively that you or the other bosses and foremen in the starch-factory were not engaged the night before election in the office of the Advertiser, and in Mr. Millott's, fixing up Republican tickets by pasting Mr. Paige's name over Mr. Jenkins', for the purpose of supplying to the starch-factory voters the next day to vote?—A. I can swear that I was not. I can't swear about the others, for I don't know.

3936. Q. And with your political record at the polls will you now swear positively that you did not support Mr. Paige, and, further, that you did not pledge yourself personally to Mr. Paige to support him?—A. I swear that I did not vote for him or pledge myself for him.

3937. Q. I want you to give me the year in which Paige ran for mayor against Jenkins, and state if it was not that year that Paige had the starch-factory vote, as you have stated it.—A. I can't recall the particular year. I can't answer the other part.

3938. Q. Who ran for mayor the year before as the nominees of the two parties?—A. I don't know.

3939. Q. Who ran for mayor the year subsequent?—A. I don't know.

3940. Q. Did the Democratic nominee either the year before or after receive the starch-factory vote?—A. I have no recollection about it.

3941. Q. Who was elected mayor the year before the time Paige had the starch-factory vote?—A. I don't recollect.

3942. Q. Same question repeated as to the year subsequent.—A. I don't recollect.

3943. Q. The opposing candidate to Colonel Doyle was Mr. Brown, a Republican, from Constantia, was he not?—A. He was.

3944. Q. And Mr. Benjamin Doolittle was the Republican nominee for member of assembly that year, was he not?—A. I don't remember.

3945. Q. Mr. Littlejohn ran on the stump against Mr. Doolittle, did he not?—A. I don't remember about that year; know he did so run that way once.

3946. Q. Do you not know it to be a fact that Mr. Doolittle defeated Mr. Littlejohn for the nomination for member of assembly the same year that Doyle ran for sheriff against Brown, and that Littlejohn took the stump as an independent candidate, and that Littlejohn was elected?—A. I do not recollect that it was the same year.

3947. Q. Do you not recollect of hearing that such was the case?—  
A. I do not.

3948. Q. Which of the two candidates for assembly was elected that year, Doolittle or Littlejohn?—A. I can't tell.

3949. Q. What enables you to recollect that Doyle received the starch-factory vote in the manner in which you have sworn to it in your examination in chief?—A. I can't tell you what enables, but I do so recollect.

3950. Q. Was it not understood by the two parties, and did you not so understand it, and do you not know it was understood by Kingsford and the bosses in the factory, that the Democrats were to support Littlejohn for member of assembly against Doolittle, and the starch-factory men support Doyle for sheriff, and was that not the reason why you bolted the Republican ticket for sheriff and voted for Doyle?—A. I know no such understanding, and it was not the reason I voted for Doyle.

3951. Q. Was there not a paper circulated in this city and in the starch factory, and signed by a great many citizens, among them Mr. Kingsford and yourself, requesting Mr. Littlejohn to run for member of assembly against Mr. Doolittle?

(Objected to as immaterial. Notary S. M. Coon sustains the objection; Notary W. W. Green holds for admission.)

A. I have no recollection of signing it, but don't say I did not.

3952. Q. Was it not desirable on the part of the citizens here to have Mr. Littlejohn elected by reason of Midland Railroad matters?

(Objected to as immaterial. Objection sustained.)

3953. Q. For whom did you vote for member of assembly that year, Littlejohn or Doolittle?

(Objected to as immaterial. Notaries disagree; Coon for rejection.)

A. I don't recollect as to that particular year.

3954. Q. What year was it that Littlejohn ran on the stump against Doolittle?—A. I have sworn several times that I could not tell.

3955. Q. Do you not recollect the fact that Littlejohn ran on the stump against Doolittle for member of assembly?

(Objected to as immaterial. Notary S. M. Coon sustains the objection. Green for admission.)

A. I remember his so running.

3956. Q. As you remember such an occurrence, give me the year, to the best of your recollection.—A. I can't give it.

3957. Q. Mr. Littlejohn, as the bolting candidate, was elected, was he not?—A. He was.

3958. Q. And he received the starch-factory vote as well as the Democratic vote, did he not?—A. He did in the ward that I voted in.

3959. Q. And you then voted in the old third ward?—A. Yes, sir.

3960. Q. And you understood that he had received the starch-factory vote, did you not, throughout the district?—A. A portion of it.

3961. Q. Did you not understand that he had received the bulk of it?—A. I don't know as I had any understanding about it. He received a large vote from it; I don't know whether a majority or not.

3962. Q. Will you swear positively that that was not the year that Doyle received the starch-factory vote?—A. I will not.

3963. Q. And did you not understand that Mr. Littlejohn in that canvass received the bulk of the Democratic votes in this assembly district, and that there was no Democratic candidate for member of assembly in the field except Littlejohn?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)  
A. Yes, sir.

3964. Q. Do you not now, upon reflection, remember that that was the year that Doyle ran for sheriff?—A. I do not.

3965. Q. Were not you and Mr. Kingsford both put out of the room at the third-ward polls on election day?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. We have been put out; don't remember the particular year.

3966. Q. Were there any other starch-factory boss or bosses or foremen present on this particular occasion; and, if so, who?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. There might have been; I can't state positively who.

3967. Q. Was Mr. Rasmussen there?—A. I have no distinct recollection that he was, but think he was.

3968. Q. What other ones were there that you think of?—A. I think Mr. Southwick, but am not positive.

3969. Q. Was there a Mr. Hart there?—A. I have no recollection of his being there; there was a man in the factory by that name.

3970. Q. Was he a boss or a foreman?—A. At that particular time I can't tell.

3971. Q. Was he a time-keeper at the factory, or on a job on the river, or in the office at that time?—A. My impression is that he was not there at that time, but came subsequently.

3972. Q. Will you say positively that he was not then employed by Mr. Kingsford in that capacity at that time?—A. I will not.

3973. Q. When was it that this occurred—what year?—A. Can't tell.

3974. Q. About how long ago?—A. It was during the war, I think.

3975. Q. Is not your best recollection that it was either in 1865 or 1866?—A. I should think it was in 1864; if I was to give an opinion at all, that is as near as I can recollect.

3976. Q. Will you swear positively that it was not in 1866?—A. I will not.

3977. Q. Was it not then and there claimed on the part of the citizens putting you and them out that it was done because you and they were there to watch the starch-factory voters?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. It was so claimed by the mob.

3978. Q. And do you claim that the citizens putting you and them out were a mob?—A. Yes, sir.

3979. Q. Give the names of those citizens.—A. Can't do it.

3980. Q. They were residents of the city and voters, were they not?—A. I can't say that they were all voters.

3981. Q. Can you say that they were not all voters?—A. I cannot.

3982. Q. And has not one of them since been mayor of the city?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I think he has.

3983. Q. And did you not at that time have a paper, checking the starch-factory voters as they voted?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I can't swear that I did.

3984. Q. Can you swear that you did not?—A. I would not.

3985. Q. Don't you think you had?—A. It is possible that I may have had a memorandum of those that were to vote to know when the voters were in.

3986. Q. And at that election after you and the other starch-factory

bosses were driven away, did not the Democratic majority largely increase?—A. I contend we did not leave.

3987. Q. And you still continued to watch the starch factory voters outside, did you not?—A. I did not.

3988. Q. Was there not at that time great indignation expressed against you and Mr. Kingsford and other starch-factory bosses and foremen for alleged intimidation of starch-factory voters?—A. I don't know of any such; I don't know that they charged us with intimidation.

3989. Q. Nevertheless they put you out on that day?

(Objected to as having been answered more than once yesterday and to-day, immaterial, and repetition. Sustained.)

3990. Q. Will you swear that there was not great indignation expressed toward you and Mr. Kingsford and the other bosses for your conduct at the polls on that day?—A. I will not.

3991. Q. How are the rules that you have spoken of been established in the starch factory?—A. I don't know.

3992. Q. Are they not established by precedent?—A. I don't know of any precedent.

3993. Q. If they are not established by precedent, how are they established?

(Objected to as repetition. Notaries disagree. Coon for exclusion.)

A. I don't know.

3994. Q. Are there any other rules, either written or printed, subscribed by the employes?—A. I know of none except those mentioned in my direct examination.

3995. Q. Are you now willing to obtain and present here, and make the same a part of your testimony, a copy of those rules? Answer yes or no.—A. No.

3996. Q. And is this starch factory an incorporated company, to your knowledge?—A. It is.

3997. Q. And do they have by-laws governing them?

(Objected to as immaterial. Notary S. M. Coon holds for exclusion; Green for admission.)

A. I don't know.

3998. Q. Have you never seen the by-laws, or a copy of them?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I have not.

3999. Q. Is there not a man by the name of Cushing a boss or a foreman over men in the employ of Thomas Kingsford?—A. There is.

4000. Q. And you did not get his name in the other list?—A. I did not.

4001. Q. And he is a Republican, is he not?—A. He is.

4002. Q. In what ward does he reside?—A. Fifth ward.

4003. Q. And do you not know, or did you not hear or learn, either directly or indirectly, that he, on the Saturday or Monday previous to election, fall of 1878, went around among the men taking their names and inquiring in what wards they then lived?—A. He did not to my knowledge.

4004. Q. Will you swear that he did not and at the same time tell the men that they were expected to vote the straight Republican ticket and where they were to obtain their tickets?—A. Of course I cannot do that; I don't know.

4005. Q. Do not yourself and the other bosses and foremen and employes receive their regular pay on election days the same as if they remain at the factory all day.

(Objected to as immaterial and all been gone over, and counsel only



endeavoring to use up contestee's time. Notaries disagree. Coon for exclusion.)

A. As to myself, I decline to answer; as to the others, I do not know.

4006. Q. Those that you keep time over, do you return them full time and allow them for the time that they are absent at the polls?

(Objected to as before. Same ruling.)

A. As to marking their time, I mark them as absent; as to the allowing, I have nothing to do with it.

4007. Q. And did you so mark them at last fall's election?—A. I marked them as I have stated, myself and one other; am not certain whether there were more or not.

4008. Q. Who was that other man?—A. Mr. J. B. Broome.

4009. Q. Is he a boss or foreman?—A. Only in my absence.

4010. Q. And how long did you mark him as absent on election day last fall.

(Objected to as before. Same ruling.)

A. Absent that day.

4011. Q. What ward does he reside in, and was he not at the polls that day as you know or understood?—A. Fifth ward, and he is—I supposed him to have been at the polls.

4012. Q. What is his position ordinarily at the factory?—A. I call him an assistant.

4013. Q. And he is a well known Republican, is he not?—A. He is.

4014. And did Mr. Kingsford know that he was at the polls that day?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. He did.

4015. Q. And how long has he been in the factory?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I can't state positively; I should think ten or twelve years.

4016. Q. Give me the names of the bosses or foremen or assistant foremen in that factory who reside in the fifth ward and who so resided there at the time of the last fall's election?—A. I don't know as I can recollect all of them—Mr. Broome, Edward Sayre, and Charles Baker, James G. Sharp; I don't think of any others.

4017. Q. And who of these bosses did you know of, or understand, were at the fifth ward polls at the last fall's election?—A. Cannot tell.

4018. Q. Did you not understand that Charles Baker was there, and has it not been his custom for twelve years or more to attend the polls and stay there all day on election day?—A. I think it has; I suppose he was there last fall, but don't know.

4019. Q. And answer that the same as to Mr. Sharp and the other bosses at the last election and their custom?—A. I have reason to believe that Mr. Sharp was there, but as to Mr. Sayre I don't know whether he was or not.

4020. Q. Did you not upon an occasion of an election go to Captain Herron, when he was an inspector of election, and you were standing outside, and ask him how a certain man who worked in the starch factory had voted, and did he not reply to you that it was none of your business?

(Objected to. Calls for a common occurrence at any polls in the city and by either party, immaterial; question should be confined to last fall. Notaries differ. Coon for exclusion.)

A. I have no recollection of any circumstance of the kind; think it never occurred.

4021. Q. Will you swear positively that it did not occur?—A. It did not in the way you have stated.

4022. Q. Then you have some recollection of something of the kind occurring between you and Captain Herron, have you not?—A. I have no recollection of the kind.

4023. Q. If it did not occur as I have stated it, give in substance what did occur, as your former answer indicates that you have a recollection.—A. I won't say that anything did occur; but I may have asked him a question, but I never got such an answer.

4024. Q. What question did you probably ask him?

(Objected to as immaterial and only asked to use up time. Objection sustained.)

Redirect examination of CALVIN S. SUMNER:

4025. Q. You may explain what there was in reference to allowing these men to vote in squads.—A. It has been understood that no large body could leave the factory at one time, and they should be divided up so that the work could go on all of the time.

4026. Q. And a portion go and return, and then others go?—A. That is as I have understood it.

4027. Q. Do you mean to say that the men were ordered to go and vote or were permitted to go and vote on election day?—A. I have no knowledge of their being ordered to go and vote.

4028. Q. Then all that you mean to say with reference to that is simply that they are given an opportunity to go and vote during election day? (Objected to as leading.)

A. That is all.

4029. Q. And is that opportunity given without regard to the politics of the voter?—A. I have so understood it.

4030. Q. And do you know of any system or plan adopted at the factory, with reference to the men there employed on election day, that does not relate directly and solely to the business carried on at the factory?—A. I do not.

4031. Q. Is the business of starch making such as to require careful and constant attention?—A. It is.

4032. Q. And is it also manufactured by such processes as require skillful and experienced hands?—A. It is.

4033. Q. And has not that fact resulted in the long continuance and the careful selection of employes, in your judgment?—A. It has.

4034. Q. You may now explain, if you please, the occurrences at the third-ward polls about 1864 to which your attention has been called upon your cross-examination.—A. There was an effort on the part of a certain class to prevent the free exercise of the elective franchise on the part of persons connected with the Oswego Starch Factory. The starch-factory men, on at least one occasion, had to call on the sheriff for aid—sheriff S. M. Tucker—to enable them to vote. He did deputize at least two men to act as officers under him—deputies, I suppose. I think there was a large number, but I don't recall the names of but two deputies. This was not confined to the starch-factory vote, but included the whole Republican vote of the ward. There was an actual detention of at least one hour in voting. This opposition was led on mainly by a large force of special police on the part of the Democrats. I do not say that Mr. Kingsford had any personal trouble about it, and did not exert his official authority as deputy sheriff, but, after a protracted hinderance, he did counsel a peaceful settlement of the hinderance.

4035. Q. You mean by that that Mr. Kingsford exerted his influence on the side of maintaining peace and order at the polls, do you not, and of giving to all parties the right to vote?

(Objected to as leading and putting the answer in the mouth of the witness.)

A. I do.

4036. Q. And do you mean anything more than that?

(Objected to as above, and further that the witness cannot give his meaning.)

A. I did not.

4037. Q. You may explain anything further that you choose about that transaction and about other citizens than those from the starch factory taking part in that transaction on the Republican side.—A. Mr. Thomson Kingsford suggested to some members of the special police mentioned aforesaid that the room be cleared and a line of voters formed to the polls. The polls were in the back part of the room. But Mr. Petty said to him, "If you will leave the room, I will." They did so, and the line was formed and the voting proceeded again. Also, at this election the vote of Mr. Thomas Kingsford was challenged, and he was obliged to swear it in. That is all the statement I wish to make.

4038. Q. Do you know the Hon. A. C. Mattoon?—A. I do.

4039. Q. Was he a resident of that ward at the time?—A. He was.

4040. Q. And a member of the same force of deputies detailed by the sheriff?—A. I so understood it.

4041. Q. Had he any connection whatever with the starch factory at that time or since?—A. Not to my knowledge.

4042. Did you know Mr. Phelps, the superintendent of the Delaware, Lackawanna and Western Railroad?—A. I did.

4043. Q. Was he a resident of that ward at that time?—A. He was.

4044. Q. And was he there in the interest of the Republicans?—A. I do not recollect whether he was present or not.

4045. Q. You may state what means were employed on that occasion to prevent the Republicans of the ward from voting.—A. This special police force, appointed in the interest of the Democrats, with the aid of others, entirely obstructed passage to the polls.

4046. Q. And by such means did they prevent the Republicans of the ward from coming to the polls to vote at all?—A. They did.

4047. Q. And did they at the same time allow Democrats to pass through and vote?—A. I think for at least an hour there was no voting at all. The special effort evidently was to exclude the Republican vote.

4048. Q. Had it not been rumored for many days before election that a riot was to prevail in the city about election time, growing out of the Presidential contest that year and the call of President Lincoln for additional forces by draft in Oswego?—A. It is the Presidential election that I had reference to, in 1864. It was so rumored.

4049. Q. And was not the political excitement which characterized that campaign unprecedented in Oswego?—A. I think it was.

4050. Q. Was there any force or intimidation resorted to on the part of the Republicans at that election in your ward?—A. I did not discover any.

4051. Q. You were asked yesterday if you had not read comments in the press as to public rumors regarding the influencing of voters at the starch factory. In what press did you read them, and when?—A. I saw it frequently in the Palladium.

4052. Q. And that is the Democratic organ of this city?—A. Yes.

4053. Q. And is it not the organ of that faction known as the Canal-riding Democracy and anti-Tilden and Reform?—A. I have heard it so stated.

(This is objected to as irrelevant and immaterial.)

4054. Q. Have you read it in any other papers?—A. I have not.

4055. Q. And have you read articles in the Oswego Palladium purporting to come from leading Democrats, wherein the writer denied the existence of any such influence at the starch factory?—A. I can't say that I have read anything of that kind.

4056. Q. Did you not read an article, signed Chauncey Smith, to that effect, in 1876?—A. I saw such an article, but I can't tell when it was.

4057. Q. Have not the assertions or publications in the Palladium wherein improper influence has been charged been repeatedly denied by the Republican papers and by the Republican voters in the city?—A. They have.

4058. Q. And have they not repeatedly been denied by Mr. Kingsford?

(Objected to; irrelevant, immaterial, and incompetent, Mr. Kingsford being alive and within the jurisdiction of a subpoena.)

A. They have.

4059. Q. Did you know of a paper having been generally signed by the employes of the starch factory and distributed through the city some years ago, in which the employes emphatically denied the existence of intimidation or other improper influence affecting their political action at the starch factory?

(Objected to as incompetent and improper; paper itself should be produced. 2d. It is reopening of the case on direct examination.)

A. I remember there was such a paper.

4060. Q. And has there been every reasonable effort put forth by Mr. Kingsford and his foremen and employes to refute these personal charges in the Palladium?

(Objected to; incompetent and improper; should show what was done, and not the opinions of the witness.)

A. I think there has.

4061. Q. You were asked yesterday on cross-examination with reference to the pay of men employed in the starch factory, and who attended the polls on election day. You have also been asked with reference to the conditions of employment and the rules governing the number of hours constituting a day's work. You may now state the custom which prevails at that factory with reference to lost time.

(Objection to that part of the question which alleges that the witness was asked as to the rules regarding the number of hours constituting a day's work, as not being true in fact, no such question having been asked; also, not material. Question objected to generally as not material. Notaries differ.)

A. The custom is for the time-keepers to put down the time just as it is if they are absent any part of the day. That Mr. Kingsford examines the time-books every Saturday afternoon, and allows or disallows as he sees fit for lost time.

(Contestant's counsel object to answer as not being confined to election days, and contestant moves to strike it out as not being material.)

4062. Q. Mr. Sumner, was not Mr. Jenkins, when he ran for mayor, supported by both of the Republican papers of the city?—A. I know he was supported by the Times. The other paper I did not read.

4063. Q. Was not DeWitt C. Littlejohn, at the time that he ran for assembly in opposition to Mr. Doolittle, an out and out Republican?—A. I don't recollect at that particular time; he had been formerly.

4064. Q. Why did the Republicans not nominate a Republican candidate for alderman in the fifth ward, instead of voting for Mr. Murphy?—A. Because the ward was hopelessly Democratic.

4065. Q. And that is the ward, I understand you to say, in which the larger portion of the starch-factory laborers reside?—A. It is.

4066. Q. And has there been a time since the ward was organized when the Republicans were in the ascendancy, except when the Democrats were divided and broken up into political factions, or rent asunder by the Greenback issue?—A. There has not.

Recross-examination of CALVIN S. SUMNER :

4067. Q. With whom did you converse this noon and after adjournment, and before you had completed the answer to the then last question asked you—the answer to question No. 4034?—A. Mr. Rassmussen and Mr. Mattoon.

4068. Q. You also conversed with Mr. Lamoree, did you not?—A. I did.

4069. And you remained here talking with him several minutes after the adjournment, did you not?—A. I think he was present all of the while.

4070. Q. What system or plan has been adopted in the starch factory with reference to men leaving the factory to vote?—A. I don't know of any plan or system.

4071. Q. Did you not swear to one in your redirect examination?—A. I swore to no plan that I remember.

4072. Are the men permitted to go and vote whenever they please, without telling a boss or a foreman?—A. They are not.

4073. Q. And one of the rules is that they must tell what business takes them away from the factory during working hours, is it not?—A. I suppose it is necessary for a reasonable excuse for absence.

4074. Q. And on election days when yourself and other bosses are absent, from whom do the men obtain leave to go to vote?—A. The man under whose charge they are working.

4075. Q. And have you not known instances at different elections during the past ten consecutive years, that it has been suggested to the employes to go and vote, either by a foreman or persons left in charge of the gangs while the bosses are watching the polls?—A. Not being present, I don't know what was done.

4076. Q. Same question repeated, adding, have you not heard of such cases?—A. I have not.

4077. Q. Is it not true that yourself and the other bosses have in the past ten years taken a very active part in the Republican party, and been desirous of getting out as large a vote as possible?

(Objected as immaterial, and as already having been gone over. Notes differ.)

A. We have.

4078. Q. Was not that the case last fall, Mr. Sumner?—A. It was with me; and I suppose it was with the others.

4079. Q. Does the business of starch-making require any less attention on election days than on any other days?—A. It does not.

4080. Q. And is it not generally understood to be the case that no one boss and his gang has the exclusive making of the starch?—A. Yes.

4081. Q. But the work of making starch is in different departments, and among all classes of hands?—A. One man does not have the exclusive charge of it all the way through until it is ready for market.

4082. Q. On the occasion of the difficulty of the third-ward polls, which you have spoken of, in which you have named Mr. Tucker as the sheriff, state if he was not a Republican?—A. He was.

4083. Q. State the names of the special deputy sheriffs appointed by Tucker for that particular occasion?—A. I don't know them all. Mr. Thomson Kingsford was one, J. A. Southwick another, A. C. Mattoon, I think one of the Adkins, I don't know which; I don't recall the others; never knew them all.

4084. Q. Mr. Kingsford, Mr. Southwick, and Mr. Adkins were all connected with and holding official positions in the factory, were they not?—A. They were not. Mr. Adkins was not connected with the factory, according to my recollection.

4085. Q. Was not Mr. Southwick a boss in the factory, and Mr. Kingsford one of the then head men and present manager?—A. I think Mr. Southwick was employed there; Mr. Kingsford was one of the head men, and is manager.

4086. Q. Are you not certain that Mr. Southwick was employed there, and also Mr. Adkins?—A. I am not certain. Mr. Southwick was absent one year; don't know whether that year or not. I don't recollect Mr. Adkins working there at that time.

4087. Q. To the best of your judgment do you not think Mr. Southwick was employed there at that time?—A. I should think he was.

4088. Q. And had not Mr. Adkins been employed there at that time in the character of a boss?—A. Never to my knowledge.

4089. Q. Had he not been employed there before?—A. Not in the starch factory.

4090. Q. Had he not been employed by Mr. Kingsford?—A. Not to my knowledge.

Witness says, I would like to correct my answer in regard to Mr. Southwick. I think Mr. Southwick came there at a later time.

4091. Q. What trade has Mr. Adkins followed for years?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I can't tell, because I can't say which Adkins it was; one was a mason, and one a carpenter.

4092. Q. And which Adkins do you think it was?—A. I have no recollection.

4093. Q. Give the names of the two Adkins?—A. Leverett A. and Oscar F.

4094. Q. Which do you think was the one appointed on that day deputy sheriff?—A. I have no recollection.

4095. Q. And which one, if either, has been in the employ of Mr. Kingsford?

(Objected to unless the question relates to that time, and as immaterial. Notaries differ.)

A. I don't know which is the carpenter, and which the mason; the carpenter worked there last year; I think it is Leverett.

4096. Q. Have they not both been employed there?—A. Not to my knowledge.

4097. Q. Has not Mr. Leverett Adkins been employed there?

(Objected to as immaterial, and already answered. Notaries disagree. Coon for rejection.)

A. Not to my knowledge or recollection.

4098. Q. Will you swear positively that Leverett Adkins was not the one appointed special deputy by Mr. Tucker, and that he was not then in the employ of Mr. Kingsford?

(Objected to as immaterial, and designed to absorb time. Notaries differ. Coon for rejection.)

A. I will not.

4099. Q. To the best of your judgment, how many special deputies

were appointed that day?—A. In the neighborhood of eighteen or twenty.

4100. Q. And were they not all Republicans?—A. I don't know as to that, for I don't know who they were. Those mentioned were Republicans.

4101. Q. Were they not active Republican politicians?—A. They were active Republicans. I don't know about politicians.

4102. Q. Were they not zealous Republicans?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. I said they were active. I don't see the particular difference between the two expressions.

4103. Q. Do you know of any one being appointed special deputy sheriff on that day, who was not an active and zealous Republican?—A. I do not.

4104. Q. What time in the day did this riot occur?—A. Don't remember distinctly, but think some time in the forenoon.

4105. Q. Will you swear positively that it was not at the charter election in 1866 that it occurred?—A. It was not the charter election of 1866.

4106. Q. Can you give the name of any Republican that complained to you before this riot that he was unable to get to the polls and vote?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. I cannot.

4107. Q. Was Mr. Kingsford there at the time of the riot?—A. He was, as I stated in my statement.

4108. Q. What effort and by whom was it made to prevent the free exercise of the elective franchise that day before the riot outside of the conduct of yourself and Mr. Kingsford toward the starch-factory employés?

(Objected to as assuming that the witness and Mr. Kingsford created the riot, a fact already disproved. Notaries differ.)

A. I think your worthy associate, Mr. William Tiffany, was one of the leaders. I don't recollect the names of most of those who created the disturbance. I remember two men by the name of Kelly who were active as special police—Thomas Kelly and John Kelly; also Mr. Calvin C. Petty. I don't recall others at present. The effort made was to crowd back Republican voters.

4109. Q. Was that all that was done?—A. I think that covers the ground.

4110. Q. Is that as full a statement of the facts as they occurred as you are able to give?—A. It is.

4111. Q. Where were these polls situated?—A. In the engine-house on Utica street.

4112. Q. Were you inside of the engine-house or outside?—A. I was inside.

4113. Q. Who were the inspectors of election that day?—A. I think James N. Brown was one of them; am not positive; I think one was Mr. Sobieski Burt, but am not positive.

4114. Q. Can you now give me the name of a single Republican not connected with the starch factory who was interfered with or molested in any way at those polls before the riot commenced?—A. Mr. A. C. Mattoon was one.

4115. Q. By whom was he interfered with?—A. The mob that I have mentioned before.

4116. Q. Was William Tiffany the head of that mob?—A. As near as I can recollect, he was one of the leaders.

4117. Q. Who made the complaint to the sheriff, and at whose instance?—A. I do not know.

4118. Q. And can you name a single employé in the factory, other than a boss, that made any complaint?—A. Don't say that I heard any complaint; I merely stated what was done.

4119. Q. Do you mean to say as a fact, or is it only your imagination, that there was a special police force appointed by the council and detailed on that occasion before the riot?—A. They acted in that capacity. I don't know about the appointment.

4120. Q. Will you swear positively that a meeting of the common council was not called on that day after Tucker had appointed these special deputy sheriffs for the purpose of appointing a special police force for the purpose of seeing that the citizens were protected at the polls?—A. I will not undertake to say when or how they were appointed.

4121. Q. And did you see Mr. Tiffany pushing any one that day or engaged in any affray at the polls?—A. I did not see him pushing any one, but only urging them on.

4122. Q. Had you voted before this trouble arose?—A. I had.

4123. Q. Then you were not interfered with in your elective franchise?—A. I was not.

4124. Q. And did the inspectors refuse to receive any ballots from Republicans?—A. They did not.

4125. Q. Were you and Mr. Kingsford ever both together put out of the room at the polls on election day on more than one occasion?—A. I don't recollect that we were put out more than once together.

4126. Q. Were you not so put out at the charter election of 1866?—A. If I remember aright I was inspector of election that year. Am not positive about the year, but I think that was the year.

4127. Q. Was it at the Presidential election of 1864 that the special police you have mentioned as acting in the interests of the Democrats were attending the polls at election, and how do you know that they were acting in the interests of the Democrats?—A. I could not mistake their actions. The Presidential election of 1864 was the time I have referred to all of the while.

4128. Q. Is it not true that on that day the complaint was about the intimidation of the starch-factory voters?—A. The complaint included all the voters so far as I understood it; Republican voters.

4129. Q. Is it not true that what difficulty was there was started by exception being taken to your conduct and also to the conduct of Mr. Kingsford in relation to the starch-factory vote, and was you not so informed?—A. I have no recollection of anything of that kind.

4130. Q. Do you not know that there was great indignation expressed toward the alleged manner of controlling the starch-factory vote?—A. Certain Democrats have always been indignant as to my being there. I should say they were at that election. I should say there was at that election on the part of certain politicians.

4131. Q. Has it not been claimed for the last ten years by the Democratic politicians in that ward that you were there for the purpose of watching the starch-factory voters and intimidating them?—A. I should say it had.

4132. Q. Had Mr. Mattoon voted that day before the trouble commenced?—A. I don't know; think not.

4133. Q. Will you swear positively that Mr. Mattoon had not voted at that time?

(Objected to as immaterial. Notaries disagree. Coon for exclusion.)

A. I will not.



4134. Q. Who applied to Sheriff Tucker to make appointments of special deputy sheriffs at that election?—A. I don't know.

4135. Q. Was it not the avowed object of the special police attending the polls in your ward on the occasion you have spoken of in your redirect examination, to prevent the starch-factory bosses from watching the starch-factory employes when they voted?

(Objected to; does not appear that the common council ever appointed any; it assumes facts not proven and is immaterial. Notary S. M. Coon for exclusion.)

A. I know of no avowed object.

4136. Q. Did you and the bosses of the factory sign the paper that was signed by the employes and spoken of in your direct examination, denying the intimidation?—A. I think I did; I don't remember as to the other bosses.

4137. Q. And did you circulate the paper or any one of them?—A. I did not.

4138. Q. Did you not understand that the other bosses had signed it?—A. I think they did.

4139. Q. Did you not understand that they circulated the paper through the factory for the employes to sign?—A. I don't remember who circulated it.

4140. Q. Or did the employes go into the office and sign the paper at the request of Mr. Kingsford or the bosses?—A. I don't remember when or where it was signed.

4141. Q. At whose request did you sign it?—A. I can't tell.

4142. Q. Do you not believe that it was signed by the bosses first?—A. I have no recollection in regard to it.

4143. Q. Did you know that the signatures that you saw to the paper were genuine?—A. I do not.

4144. Q. What enables you to recollect that you signed it if you can recollect nothing else about it?—A. I think I did not swear positively I signed it. I think I swore that I thought I signed it.

Adjourned to March 14, 1879, at 9 a. m., on agreement Mr. Baker to close the cross-examination in one hour.

March 14, 1879, recross-examination of CALVIN S. SUMNER resumed:

4145. Q. Was Tiffany one of the leaders putting you and Kingsford out of the room where the polls were on the occasion you have spoken of?—A. He was not actually in the crowd, but as a counsellor. I would not swear positively that he was there, but to the best of my belief and recollection.

4146. Q. Are you as certain of this as you are of any other part of your testimony?—A. I am not.

4147. Q. Is William A. Poucher the person who was one of that mob that you refer to as afterwards being mayor?—A. I did not refer to him.

4148. Q. And was not William T. Curtiss, then a partner of Hon. John C. Churchill and then city attorney, one of your so-called mob?—A. I think that Mr. Curtiss was not alive at that time.

4149. Q. Will you swear that it was not Thomson Kingsford instead of Thomas that was challenged?—A. I swear that I never saw Mr. Thomson Kingsford challenged or heard of his being challenged. Should say he was not.

4150. Q. By whom was he, Thomas Kingsford, challenged?—A. I can't swear positively, but my impression is that it was David O'Hara.

4151. Q. And you considered that a great outrage on Mr. Kingsford's elective franchise, did you not?—A. I did.

4152. Q. And one of the efforts made to interfere with Republican voters?—A. I so considered it.

4153. Q. And the challenging of Democratic voters you considered as one of the Republican rights, did you not?—A. I did not, if he was a voter.

4154. Q. You considered it a right to ascertain if he was a voter by challenge, did you not?—A. Certainly, if the challenger had any doubts about it.

4155. Q. Mr. Kingsford was an Englishman by birth, was he not?—A. He was.

4156. Q. State about how old he was when he came to this country, if you know.—A. I don't know.

4157. Q. Do you not believe that he was over the age of twenty-one years when he came to this country?—A. I do.

4158. Q. And did he vote on this occasion after he was challenged?—A. He did.

Second redirect examination by Hon. JOHN C. CHURCHILL, for contestee, of CALVIN S. SUMNER:

4159. Q. At the time Mr. Kingsford's vote was challenged, had he not been for some sixteen years, as you understand, a resident and voter and one of the most conspicuous and useful citizens in the third ward in which his vote was challenged?

(Objected to as immaterial and incompetent.)

A. Yes.

4160. Q. In answer to a question by contestant's counsel you have stated that it has been claimed by Democrats, during the last ten years, that you have attended the polls for the purpose of watching and intimidating the starch-factory vote; was not that claim wholly and absolutely false?

(Objected to as leading.)

A. It certainly was.

4161. Q. Have you ever attended the polls, either within the last ten years or at any other time, for the purpose of watching or intimidating the vote of any employé of the starch factory or anybody else?—A. I have not.

4162. Q. Was not the cry of starch-factory intimidation a cry that was raised year after year at the old third ward poll by Democratic leaders and managers at the third ward poll as an excuse for crowding Republican challengers and ticket distributors from the vicinity of the polls, where Democratic challengers and ticket distributors were standing?—A. I so understood it.

4163. Q. And was it not done without any shadow of foundation in fact, so far as your knowledge and belief extended?

(Objected to as incompetent.)

A. It was.

4164. Q. Was you present at the election in November last all day, at election day at the third ward poll?—A. I was, with the exception of less than an hour at dinner time.

4165. Q. And were all three of the political parties, Democratic, Republican, and Greenback, represented at that poll by their challengers, ticket distributors, and party managers?—A. They were.

4166. Q. State whether or not the election in that ward on that day was an unusually quiet one or otherwise.—A. I recollect that there was less wrangling and contention than usual, so far as my observation went.

4167. Q. Did you hear any complaint on that day on the part of either

political party as against the other, of improper management or intimidation or interference with voters?

(Objected to, as it has already been examined into in examination-in-chief.)

A. I did not.

Second recross-examination of CALVIN S. SUMNER :

4168. Q. You belonged to the military force in 1864, did you not?—

A. I did.

4169. Q. And was you a member of the militia in the fall of 1864?—

A. I think I was, but am not positive; my impression is I was.

4170. Q. And did you not have some difficulty concerning your military duties that year?

(Objected to as irrelevant and immaterial. Notaries disagree; Coon for exclusion.)

A. I know of no difficulty that year.

4171. Q. Did you leave prior to or subsequent to that time?

(Objected to as before. Same ruling.)

A. I don't remember the dates. I did have some difficulty; I refused to serve.

4172. Q. You were not a commissioned officer, were you?—A. I was not.

4173. Q. Have you never been aware or believed or had thoughts that the voters in the starch factory, or some of them, believed or thought or suspected that they would be discharged if they voted the Democratic ticket, and you knew they voted the Democratic ticket?—A. I have no reason to believe that they so thought.

4174. Q. Is that as full an answer as you will give to the foregoing question; answer yes or no?—A. I say yes.

4175. Q. Has Mr. Kingsford at any time ever suggested to you that by reason of these various rumors and common talk about the intimidation of the starch factory vote, that it would be better for you to keep away from the polls on election days?—A. He never intimated anything of the kind.

4176. Q. About how many starch-factory votes are there in the present third ward, and give the names of as many as you can?

(Objected to as repetition of what has already been inquired into by counsel, and violative of the agreement last night, more than an hour having elapsed in the examination this morning.

Contestant's counsel says to this that he did get through in an hour and gave the witness over to the contestee, and has a right to this question on the recross-examination as growing out of the matter proved on the last redirect examination.

Notary S. M. Coon holds for exclusion. Notary W. W. Green holds for admission.)

A. I decline to answer.

(Contestee's counsel advises the witness to answer the question.)

Witness says he can't give the number. I will give the names as fast as I can think of them. Thomson Kingsford, Ralph Howe, J. Clark Howe, B. F. Fitch, J. W. McCully, J. D. Sprague, William I. Rasmussen, James A. Southwick, Ransom Bowne, Mr. L. J. Culner, Patrick Barnwell, Patrick Danaher, George Wright, John Wright, Farrell McCay, Michael Loftus, Daniel Quigley, John W. Roach, Frank Vanviliez, Charles Vanviliez, myself, F. W. Pratt, Thomas ———, whose last name I don't recollect. It is Wilson. There are quite a number whose names I don't recollect. I think a man in the foundry by the name of Fagan;

a man by the name of James Wood; think there are some three or four in the machine shop; also a man by the name of Ford; don't remember his first name; also Charles Dibden; also Chauncey Smith. I think there are others, but don't recall their names now. I never counted them, and have not much of an idea, but should think twenty, and perhaps more.

Third redirect examination, by Hon. JOHN C. CHURCHILL, of CALVIN S. SUMNER:

4177. Q. Do you not understand all of these persons whom you have named to be decided Republicans in their politics? If any exception name them.—A. I don't think of any except Mr. Smith but what are Republicans.

4178. Q. Were you ever punished for the disobedience of orders referred to in your last examination?—A. I was not punished.

4179. Q. Had you what seemed to you good reasons for your disobedience?—A. I had.

Third recross-examination of CALVIN S. SUMNER:

4180. Q. Did your trouble not arise from you being caught asleep while on post by your sergeant, and did he not take your gun away from you?—A. There was something that they might make that story out of, but I claim I was not at fault in the matter.

The witness says, in referring to his answer to question 4090, that Mr. Southwick— And as to the answer to question 4113 he desires to change the name of Sobieski Burt to William S. Dickinson.

CALVIN S. SUMNER.

Sworn to and subscribed before us March 14, 1879.

S. M. COON,  
*Notary Public.*  
W. W. GREEN,  
*Notary Public.*

*Deposition of Chauncey Smith.*

CHAUNCEY SMITH, being duly sworn, testified as follows:

4181. Question. What is your age and residence?—Answer. I am seventy-two years old, and reside in the third ward in the city of Oswego.

4182. Q. How long have you resided in the city of Oswego?—A. About forty-seven years, except seven years in Scriba.

4183. Q. When were those seven years?—A. From 1853 to 1860, or somewhere along there.

4184. Q. Have you ever been a merchant in this city?—A. Yes, sir.

4185. Q. For how long?—A. Perhaps fifteen or sixteen years.

4186. Q. Where are you now employed?—A. I am employed in the Oswego Starch Factory.

4187. Q. How long have you been so employed?—A. About four years and a half.

4188. Q. Have you charge of a room there; and, if so, in what department?—A. I have no charge of a room.

4189. Q. In what department are you employed?—A. I am employed in the box wareroom.

4190. Q. What are your politics?—A. My politics are Democratic, and have been Democratic since I first voted.

4191. Q. Have you ever belonged to and acted with any other party?—A. No, sir.

4192. Q. Are your politics known to Mr. Kingsford?—A. I think they are, sir.

4193. Q. Are they also known to the foreman in the factory?—A. I think so.

4194. Q. Have you conversed on politics with the men employed in the starch factory when occasion offered itself?—A. I have not had a great deal with the men, but have some with the bosses.

4195. Q. And in such conversations did you support or defend the Democratic party?—A. So far as I have had conversation with any of them I have done so.

4196. Q. Have you voted at the various elections which have been held since you have been employed in the starch factory?—A. At most of them; I think not at all of them.

4197. Q. And at the elections, when you have voted, what ticket have you voted?—A. I have voted the Democratic ticket principally.

4198. Q. Have you made any concealment of either the intention or fact of your so voting?—A. No.

4199. Q. Did you vote at the last November election in this city?—A. I did, sir.

4200. Q. For which county ticket did you vote, the Democratic or Republican?—A. I think I did not vote either the Democratic or Republican ticket.

4201. Q. And why not?—A. Well, because it was tinctured too much with Greenbackism, the Democratic ticket was.

4202. Q. Did you vote for member of Congress?—A. I did not, sir.

4203. Q. Why did you not vote for Mr. Mason?—A. Well, sir, because he was not a Democrat.

4204. Q. And why did you not vote for Mr. Duffy?—A. For the same reason; because he was not a Democrat.

4205. Q. For what part of the ticket voted for last fall did you vote?—A. I voted for one man on a separate ticket last fall; that was for recorder.

4206. Q. Do you remember any other election since you have been employed in the starch factory except that of the last November, at which you voted, when you did not vote the Democratic ticket?—A. I do not.

4207. Q. Has any person employed at the starch factory or connected with it ever attempted to interfere with or influence your vote; and, if so, who?—A. I believe never any one except but one, whose name is Benjamin F. Bailey. He was employed in the same department where I was.

4208. Q. Is he a boss or foreman in that department?—A. Don't know as I can define his position exactly. He carries in reports of what we do and has superintendence over the work that is done there.

4209. Q. Has he charge, so far as you know, of the men at work in the room in which you are employed?—A. He acts in that capacity.

4210. Q. How many men are employed in that room?—A. Two of us besides Bailey.

4211. Q. State what influence he exerted or endeavored to to vote.—A. He tried pretty hard for almost two years to make me think that the only party that was fit to go on was the Greenback party.

4212. Q. Did he endeavor to induce you to support that party and that ticket?—A. Yes, sir.

4213. Q. Did you understand him to be in favor of the election of Mr. Duffy to Congress last fall as being the Greenback candidate?—A. Yes, sir.

4214. Q. Is that the only attempt that has been made to influence your vote by any person in the employ of the starch factory since you have been there employed?—A. I think it is, sir.

4215. Q. Have you ever had any reason whatever to suppose that your place there was rendered any more insecure by reason of your voting the Democratic ticket?—A. No.

4216. Q. Your standing as a Democrat is perfectly well known in this city, is it not?—A. I think so. I think no one has doubted for the last forty years who has known it.

4217. Q. Has any employé of the starch factory, knowing you to be a Democrat, ever intimated to you that he would be glad to vote the Democratic ticket but was afraid to do so lest he might lose his place, or anything of that sort?—A. I don't recollect anything of that kind.

4218. Q. Before you went into the starch factory you had heard stories, had you not, about starch-factory intimidation of voters?—A. I had.

4219. Q. Since you have been employed there have you seen anything whatever to lead you to believe that those stories had any foundation in truth?—A. I have not seen anything, either on my part or on the part of any one.

4220. Q. On election days did you go to the polls without permission or with the permission of the person in charge of the work with which you was connected?—A. A portion of the time when I have been there the polls were near by, and I would perhaps vote in the morning before I went to work, or at noon when I went to dinner. At other times I have been notified what time I could leave my work and go.

4221. Q. Was there ever any attempt or desire, so far as you could perceive, to put any difficulty in the way of your voting?—A. Not any.

Cross-examination of CHAUNCEY SMITH by H. D. BAKER, contestant's counsel:

4222. Q. By what means did you obtain employment at the starch factory?—A. Well, I went to the office of Mr. Kingsford, I think a year before I got a situation, and made application for a job.

4223. Q. But the branch that you are employed in is not immediately connected with the starch factory proper, is it?—A. It is not immediately connected with the starch factory building, but belongs to the starch factory company.

4224. Q. And you are not thrown in contact with the starch-factory employés regularly from day to day, are you?—A. No, sir.

4225. Q. Neither are you brought into contact with the bosses of the starch factory proper, are you?—A. Very seldom.

4226. Q. And you have really no means of knowing whether any influence is brought to bear on the employés by the bosses to control their votes have you, and really know nothing about it?—A. I know but very little what is going on in the starch factory.

4227. Q. And you would not undertake to swear that there was no influence brought to bear upon the starch-factory employés by the bosses or foremen, either directly or indirectly, to control their votes?—A. I could not swear either way, for I don't know anything about it.

4228. Q. And had you been out of employment for some time prior to your engagement to Mr. Kingsford?—A. I think I had most part of the time for two years before I went there to work for Mr. Kingsford.

4229. Q. And your situation in life was such that it made it very desirable for you to obtain employment there, was it not?—A. It was; I wanted employment.

4230. Q. Do you recollect what year it was?—A. I in the fall of 1874, I think.

4231. Q. Prior to the time that you entered the employment of Mr. Kingsford you was an active worker in the ranks of the Democratic party?—A. I was some time prior.

4232. Q. And you used to attend the polls, did you not?—A. Yes, sir.

4233. Q. And did you, at any time, attend at the polls and take an active part in electioneering on election day after you entered the employment of Mr. Kingsford?—A. No, sir; I don't think I have taken a very active part at the polls.

4234. Q. And did you ever have any conversation with Mr. Kingsford on the subject of politics after you entered his employ?—A. I think he has never mentioned the subject since I have known him, after or before.

4235. Q. From whom would you obtain permission on election days when you desired to go and vote? Give the name or names of persons.—A. I think that Mr. Spencer has generally given us notice what time to quit our work and go back again; I don't know but Mr. Sumner may have done so.

4236. Q. And were those permissions given for charter, or State or Presidential elections?—A. I have noticed no difference as to any election.

4237. Q. Have you not understood the fact to be, and have you not believed the starch factory vote to be uniformly Republican?—A. As far as I know, I should think they were mostly Republicans there.

4238. Q. And have you not heard it said, and has it not been common talk upon the street of the city of Oswego, that there was a system inaugurated and enforced in the starch factory through the bosses and foremen, requiring the laborers in the factory proper to vote the Republican ticket or be in danger of losing their situations?

(Objected to as immaterial and hearsay; that there is better evidence. Notaries disagree; Coon for exclusion.)

A. I have heard such talk in the streets, and seen it in the papers.

4239. Q. And have you since your employment in the factory been informed by Mr. Kingsford or any of the bosses or foremen that you need pay no attention to these rumors, and that you were at liberty to go to the polls and vote as you pleased?—A. No, sir.

Adjourned to March 15, 1879, at 9 a. m.

March 15, 1879, cross-examination of CHAUNCEY SMITH continued by H. D. BAKER, counsel for contestant:

4240. Q. You had not seen or heard of any notices, either written or printed, being posted up in and around the factory directing the men to vote as they chose or warning these bosses and foremen not to interfere with the elective franchise and the free use of the same by the employes, have you?—A. I have not.

4241. Q. And do you not know it to be a fact that on election days these bosses and foremen leave their work at the factory and stay at the polls all day?

(Objected to as immaterial; notaries differ.)

A. I do not, sir.

4242. Q. You say that you do not because of the fact that you are not about the starch factory proper enough to know when the bosses and foremen are absent, do you?

(Objected to as immaterial; notaries differ.)

A. No.

4243. Q. How is it in the ward in which you reside as to the bosses

staying at the polls?—A. I think from my own knowledge and Mr. Sumner's testimony that he is always there.

4244. Q. Have you seen any other bosses there?—A. I think I have seen Mr. Rassmussen there on election day; he was there on the last charter election, if I recollect right.

4245. Q. And do you not know that they were both there at last fall's election?—A. Mr. Sumner was there; I could not say as to Mr. Rassmussen; don't recollect whether Mr. Rassmussen was there or not.

4246. Q. Does Mr. Lamoree keep time over you in the department in which you are employed?—A. He does.

4247. Q. How many elections have you failed to vote at since your employment in the starch factory?—A. Either once or twice; I don't recollect which.

4248. Q. Can you give me the years in which those elections were held that you failed to vote at?—A. I don't know as I can, exactly.

4249. Q. Did you not fail to vote in the year 1875—fall election?—A. No, sir; I think not.

4250. Q. For whom did you vote that year, and for what office?—A. I don't recollect the candidates now.

4251. Q. Under the system of registering voters as they vote, is it not readily told at what elections a man votes and what officers he votes for?—A. I think that is generally so.

4252. Q. How was it in the year 1876; did you vote or not at the fall election?—A. I think I did.

4253. Q. And did you vote for all the candidates that fall?—A. I think I did, but am not sure about all the candidates.

4254. Q. Was it charter elections or fall elections that you failed to vote at?—A. I think it was charter elections; it might have been both elections one year that I was not there; don't recollect.

4255. Q. And how was it in the years 1877 and 1878; in which of those years, if either, did you fail to vote?—A. I should think it might be 1877, but am not positive.

4256. Q. Will you swear positively that it was not in 1878 that you failed to vote?—A. I think I voted in the fall of 1878; I can't swear any more positively than that I think I voted in the fall of 1878.

4257. Q. And do you not believe that the poll-books kept at those elections, and that your attention has been called to, have been kept, will now show whether you voted or not?—A. I think they ought to.

4258. Q. How many years has Bailey been employed in the starch factory, to the best of your judgment?—A. I think I heard him say that he had been there some seven or eight years.

4259. Q. Did you have any personal acquaintance with either Judge Mason or Mr. Duffy?—A. I never have, and never have seen but one of them, and that since I have been at court here.

4260. Q. And knowing Mr. Kingsford to be an active and influential Republican, did you not believe last fall that he was desirous of the election of Judge Mason?

(Objected to as immaterial; notaries disagree.)

A. I think it a natural consequence that he would be, but I do not know anything about it.

4261. Q. Had you not reason to believe that Mr. Kingsford was desirous of his election by reason of their political opinions being similar?

(Objected to as immaterial; notaries disagree.)

A. I answer the same as to the last question.

4262. Q. Did you know that Mr. Duffy was and had been known as one of the truest Democrats there was in the county?—A. I did not.



4263. Q. And you made no inquiry, did you, to ascertain whether his past political record had been?—A. I have no recollection that I ever did.

4264. Q. For whom did you vote for mayor at the charter election of 1878?—A. If I voted for any one, it was for Mr. Allen—Edwin Allen, I think.

4265. Q. Mr. Allen was not a candidate for the mayoralty in 1878, was he?—A. I can't recollect just now whether he was or not; Pierson was one.

4266. Q. Can you now, upon reflection, state who you voted for at that charter election?—A. If Phelps was a candidate at that time, I don't think I voted for mayor at all.

4267. Q. Did you vote this last charter election?—A. I did, sir, according to the best of my knowledge.

4268. But you will not be positive that you did not vote for mayor at the charter election of 1878, will you?—A. I don't think I did, but am not sure.

4269. Q. And what is Mr. Bailey's given name—the foreman in the factory?—A. I think it is B. F.

4270. Q. In what ward does he reside?—A. He resides in the fifth ward.

4271. Q. And you will not swear positively that he has not voted the Republican ticket at every election in the last five years?—A. I don't know anything about that; I never saw him vote.

4272. Q. And you cannot swear positively that it was not understood between him, Mr. Sumner, and other bosses in the starch factory that he should talk Greenback to you when he really did not vote the ticket himself? Answer yes or no.—A. I don't believe it was so understood I have no positive knowledge about it.

4273. Q. Do you know what his politics was in previous years?—A. When I first went there to work, I think his politics was women's rights—Mrs. Woodhull, Claflin, &c.

4274. Q. Do you not know that he was a Republican, and voted the Republican ticket, or did you not so understand it?—A. No.

4275. Q. Did you not understand that he was a Republican in politics?—A. From what conversation I had with him, I should judge he was most anything else except that.

4276. Q. What did you understand him to mean, politically, when you stated he was a women's rights man, and did you understand it was a new political party that he advocated?—A. I understood it was a new political party, advocating the right of suffrage for women.

4277. Q. And did they have any candidates in the field in this city or State running for any office for whom the people voted?—A. Not to my recollection.

4278. Q. And you do not believe that he voted for any person who was a candidate for office under that issue, do you?—A. If there were no candidates, I don't believe he voted.

4279. Q. Do you know whether he remained at the factory on election days or went to the polls?—A. I knew he was not there very much of the time on election days, but so far as being at the polls, could not say.

4280. Q. And can you say as to last fall's election whether he was at the factory all day or at the polls all day?—A. I could not say where he was; I think he was not at the factory all day.

4281. Q. Did you have any acquaintance with him prior to the time that you went to the factory?—A. I had no particular acquaintance

with the man, although I have known him ever since he was five years old.

4282. Q. What ward did you reside in prior to removing into the third ward?—A. First.

4283. Q. And how long had you resided there prior to moving into the third ward?—A. One year.

4284. Q. How long had you resided in the third ward prior to the time that you went into the starch factory?—A. I think about four years.

4285. Q. Have you ever resided in the sixth ward?—A. I had; I believe so.

4286. Q. And your residence in the sixth ward was just prior to your removal to the first ward, was it not?—A. I went from the sixth to the first.

Redirect-examination of CHAUNCY SMITH by Hon. JOHN C. CHURCHILL:

4287. Q. Did you vote for Samuel J. Tilden for governor of New York in the fall of 1875?—A. I think I did.

4288. Q. Are you sure you voted for him the last time he ran for governor of this State, which was in 1875?—A. I don't recollect; I rather think I did, but am not positive.

4289. Q. Did you vote for Tilden Presidential electors in the fall of 1876?—A. I did; that is my opinion now.

4290. Q. Have you any doubt on that subject?—A. I have not any now, sir.

4291. Q. Did you vote for Edwin Allen, the Democratic candidate for mayor in the spring of 1877?—A. If I voted at that election I voted for him.

4292. Q. What is your recollection as to whether you voted for him for mayor or not?—A. I am not certain in my recollection that I attended the election.

4293. Q. Do you remember whether or not you voted for William A. Poucher, the Democratic candidate for mayor, in 1875 and 1876; and, if so, what is your recollection on the subject?—A. My impression is that I did once, and perhaps twice. I have been absent from the polls twice, and I can't recollect which years.

4294. Q. The building in which you are employed is directly across the street, is it not, from the building in which the manufactory of starch is carried on?—A. Yes, sir.

4295. Q. Is not the starch manufactured at the Oswego Starch Factory mainly shipped from the building in which you are employed?—A. Yes, sir.

4296. Q. And is there not a considerable number of men in the employ of the starch factory company who are employed in that building, and who are there from time to time in connection with the shipping of starch?—A. There is.

4297. Q. Mr. Spencer mentioned by you has charge, has he not, of the shipping of starch?—A. He has.

4298. Q. Does not your own business frequently take you into the starch factory proper?—A. It does sometimes.

4299. Q. Do you not go to your work and return from your work at the same hours with the employes in the starch factory generally?—A. I think we do.

4300. Q. How long is it since you have been in the habit of attending at the polls, and working on election day?—A. I don't think I have

done anything of the kind for the last ten or fifteen years—so far as working at the polls.

4301. Q. Did your going into the factory make any difference in that respect, as compared with the years immediately before your going into the factory?—A. Not any.

4302. Q. In answer to question 4238, as follows: "Have you not heard it said, and has it not been common talk on the streets of Oswego, that there was a system enforced in the starch factory, through bosses and foremen, requiring the laborers in the factory proper to vote the Republican ticket or be in danger of losing their situations?" you replied that you had heard such talk in the streets, and seen it in the paper. From your own observations in the factory, do you believe that talk to be true?—A. I have not seen anything since I have been there to show it was true.

4303. Q. Did you see it in any other paper than the Oswego Palladium?—A. I think not.

4304. Q. In the spring of 1878 was not Thomas Pierson, a Greenbacker, adopted as Democratic candidate, as mayor?—A. According to my recollection, he was.

4305. Q. And was there any Democrat running for mayor at that election?—A. Not to my recollection.

4306. Q. And was not that one of the elections that you have referred to at which you did not vote?—A. I can't say positively, but I think it was.

4307. Q. And was not the reason of your not voting, because there was no ticket in the field that you regarded as a proper representative of the principles of the Democratic party?—A. I think that is so.

(Recross-examination of CHAUNCEY SMITH.)

4308. Q. Although the starch is shipped from the same building in which you are employed, yet you are in a different apartment?—A. I am. It is a different room in the same building.

4309. Q. And yours is the empty-box department, is it?—A. It is.

4310. Q. And Mr. Spencer is the shipper, is he not?—A. Yes, sir.

4311. Q. Your business does not require you to go through the starch factory proper, and remain in and about the same, does it?—A. My business calls me there only for one purpose—to get tickets at four o'clock for what boxes we want the next day.

4312. Q. And you remain there but a few moments, do you?—A. A very short time.

4313. Q. Please give me the names of the Presidential electors voted for by you in 1876, if you voted for any?—A. I have not a list of them at hand, and therefore can't give them.

4314. Q. Give me the names of one or more, from your recollection.—A. Don't think I could do it; don't recollect none.

4315. Q. You voted in the third ward in 1876, did you not?—A. I did, sir.

4316. Q. You mean by that that if you voted at all that year that you voted in that ward?—A. Yes.

4317. Q. Your recollection is not very distinct upon the matter of your voting for several years last past, is it?—A. It is not, in relation to what time exactly, I did go to the polls.

4318. Q. In what years did Hon. W. A. Poucher run for mayor?—A. I should think it was 1875 and 1876.

4319. Q. As to the matter of your voting for him, you will not put it any stronger, than that it is now your impression, will you?—A. No.

4320. Q. You did stay at and around the polls of the third ward at the several elections held in the years 1872 and 1873 or 1874 with the exception of the fall election of the year 1874, did you not?—A. I have no recollection of staying around the polls at any time—any more than to vote and go away—for a good many years.

4321. Q. Will you swear positively that you did not remain at the polls the greater part of election day in the fall of 1873?—A. I can't swear positively, but don't think I did.

4322. Q. And will you swear positively that you did not remain at the third-ward polls the greater portion of election day at the charter election in the spring of 1874, and take quite an interest in the election?—A. I have no recollection of so doing. I can't swear positively; but don't think I was.

4323. Q. Can you now tell who was the opposing candidate to W. A. Poucher and the year that he first ran for mayor?—A. I have it not in my mind now who was the opposing candidate.

4324. Q. Which do you think it was, Mr. Doolittle or Mr. Worts, when he first ran?—A. I don't recollect.

4325. Q. How many Republican and Democratic organs was there in the city of Oswego for the ten years prior to the time you went to work in the factory?—A. I think there were two Republican papers a portion of that time and one Democratic.

4326. Q. Give me the names of the two Republican papers and the Democratic paper?—A. The Democratic paper was the Palladium. The Republican papers, I think, were Commercial Advertiser and Times.

4327. Q. Do you not recollect one called the Press on the east side?—A. I do; that and the Advertiser went together.

4328. Q. When you speak of the Advertiser and the Times, do you not mean to be understood as saying that the Times was formerly known as the Advertiser?—A. I do not distinctly recollect; but think it was.

4329. Q. And the paper called the Press was a separate paper entirely?—A. I think it was.

4330. Q. And do you not recollect that the Republican paper called the Press spoken of by you both before and after or either before or after the charter election when Mr. Jenkins ran for mayor against Mr. Paige openly charged intimidation of the starch-factory vote by Mr. Kingsford and his subordinates?—A. I don't so now recollect. It was a paper I did not take, and could not say. It might have been so; I don't know.

4331. Q. And can you swear positively that you have not been heard to say upon the streets of the city and other places prior to the time of your employment that you believed the starch-factory vote was intimidated and compelled to vote as Mr. Kingsford wanted them?—A. I have no knowledge or recollection of any such conversation; I can't swear positively.

4332. Q. And was not Thomas Pierson nominated in open convention in the spring of 1878, by the Democratic party?—A. I was not there; I don't know only by hearsay.

4333. Q. And has he not announced himself only as a Democrat?—A. Not to my personal knowledge.

4334. Q. And have you not heard so?—A. I think I have heard something said that he declared he was a Democrat after he was nominated, or something of that description.

4335. Q. Has there been any bosses or foremen of the starch factory present during the time that you have been giving your testimony, and, if so, who?

(Objected to as immaterial; notaries differ.)

A. Mr. Wm. I. Rassmussen, I don't know whether I could call him a boss or a foreman; he takes jobs by the contract. I think Mr. Sumner was in here a few minutes this morning; and I think last night.

4336. Q. On what day was you subpoenaed to be here?—A. Last Friday; to be here on Saturday.

4337. Q. And have you not remained here in attendance from Saturday last from day to day to this time without receiving any witness fees other than the seventy-five cents paid to you at the time you were subpoenaed?

(Objected to as immaterial, and that seventy-five cents and a subpoena is far better than none by the contestant. Notaries disagree.)

A. Ah the money I have received is six shillings, and am waiting very patiently for the rest. I have waited here from day to day.

Second redirect examination of CHAUNCY SMITH.

4338. Q. You was sworn as a witness, was you not, immediately upon the close of Mr. Sumner's examination?—A. Immediately at the close of the reading of his testimony and signature being attached to it, I was.

4339. Q. And Mr. Rassmussen, you understand, do you not, to be in attendance as a witness, expecting to be sworn immediately upon the close of your examination?—A. I so understand it.

CHAUNCY SMITH.

Sworn to and subscribed before us March 15, 1879.

S. M. COON,  
*Notary Public.*

W. W. GREEN,  
*Notary Public.*

Adjourned to 2½ p. m.

*Deposition of Eugene Purple.*

EUGENE PURPLE, being duly sworn, says:

4340. Question. Where do you reside?—Answer. In Oswego, sixth ward.

4341. Q. What is your age?—A. Thirty-nine.

4342. Q. What is your occupation?—A. Mechanic.

4343. Q. What are your political predilections?—A. Democrat.

4344. Q. And last October and November were you employed upon the building then in process of erection upon the corner of West Seneca and First streets?—A. I was.

4345. Q. Was that the building being erected for the use and occupancy of Blanchard & Co., as you understood?—A. It was, as I understood.

4346. Q. On election day, about how far had they advanced with the building, as you recollect?—A. I believe they were on the first story of brick work.

4347. Q. And about how many men should you think employed there, including men, boys and all?—A. I should judge between 150 and 200. I never counted them.

4348. Q. And how late did you continue to work on the building?—A. I could not give the exact date. I worked on until they stopped work.

4349. Q. And up to about the time when they suspended work for the season, did you notice any diminution of the force?—A. I heard there

were some of the stone-cutters laid off after they got the stone work done. That is all I know of.

4350. Q. And did you understand why they left the work?—A. I understood it was because they had got through the stonecutting work. That is what I was told.

4351. Q. And have you any reason to doubt that they suspended work for that reason?—A. No, sir; I have not, judging from the condition of the work.

4352. Q. While you remained upon the work did Mr. Kingsford or any person acting under him approach you upon political subjects with a view to influencing your political action?—A. No, sir; there never did.

4353. Q. And did you exercise the elective franchise on the 5th day of November last entirely free from restraint or other influence, and in keeping with your own personal wishes?—A. Yes, sir; I did.

4354. Q. And were you given time by Mr. Kingsford to go to the polls and vote as you pleased?—A. I did not lose any time. I was given permission by the foreman under whom I worked, Mr. Gardner.

4355. Q. And did you know the politics of Mr. Gardner?—A. No, sir.

4356. Q. For whom did you vote for Congress, if you please, Mr. Duffy or Mr. Mason?—A. I voted for Mr. Duffy.

4357. Q. Did you hear or know of any person employed in or about the erection of that building on election-day or previous thereto who was intimidated or by any other improper means influenced to vote against Mr. Duffy, or the Democrat or Greenback ticket?—A. No, sir; I did not.

4358. Q. Have you reason to believe, from what you saw and know, that any such intimidation or improper influence was brought to bear among the men there employed, either by Mr. Kingsford or any of his foremen?—A. No, sir; I have not any reason to believe so from anything I believe or know.

4359. Q. And did you hear, prior to and about election time, the workmen there employed express their political sentiments among themselves?—A. Yes, sir; I did.

4360. Q. And from their expressions were there not all political shades; that is, the representatives of all three of the parties there employed, judging from what you heard them say from time to time?—A. Yes, sir; there was, I should judge from the conversations.

4361. Q. How did the number of men employed two weeks after the election compare with the number at the time of the election?—A. I did not see any reduction of men at any time I worked there, except the stonecutters as I have spoken of. There might have been some men laid off that I did not know, but no large reduction.

4362. Q. Did the stonecutters close their work before or after election?—A. I am not certain about that.

Cross-examination of EUGENE PURPLE, for contestant, by H. D. BAKER:

4363. Q. What kind of a mechanic are you, Mr. Purple?—A. A carpenter.

4364. Q. And when were you first employed there?—A. I could not give you the exact date; quite a while before election. It might have been four weeks before election.

4365. Q. Did you understand that Mr. Gardner had a contract for the frame-work of the building?—A. No, sir; I did not so understand it.

4366. Q. How did you understand it?—A. I understood that he was taking charge of the work by the day; he told me so himself.

4367. Q. And is he known here as a contractor and builder?—A. Yes, sir.

4368. Q. And by whom was you employed?—A. Employed by Mr. Kingsford.

4369. Q. In person?—A. I was hired by Mr. Gardner.  
Adjourned to 7 p. m.

7 p. m. met pursuant to adjournment.

4370. Q. Who kept your time?—A. Mr. Gardner, W. H., I think.

4371. Q. Was there not a man at that building in the character of a boss or timekeeper over the laborers employed there by the name of Sharp?—A. I was told there was; that is all I know about it.

4372. Q. And did you not understand him to be a boss or foreman in the starch factory?—A. I did so understand him to be.

4373. Q. And there was a large force of common laborers employed there, was there not, other than mechanics?—A. Yes, sir; there was.

4374. Q. You did not pay any attention to what was going on with the common laborers, did you?—A. Nothing more than those that were working on the work that I was connected with, and that I would naturally see by being around there to work.

4375. Q. You do not pretend to be able to say positively that there was no interference or improper influence brought to bear upon any or all of these common laborers to affect their voting on election day, do you?—A. I do not.

4376. Q. For how many years have you been a skilled workman at your trade?—A. I have worked on wood-work probably for the last fifteen or sixteen years, as near as I can judge.

4377. Q. You do not know of your own knowledge, do you, what induced Thomson Kingsford to commence the building that you were working on?—A. No, sir; I do not.

4378. Q. And you had nothing to do with the hiring and discharging of men, did you?—A. I did not.

4379. Q. And cannot say of your own knowledge how many men were discharged after election and before the work was finally stopped, and for what reason?—A. No, sir; I cannot.

4380. Q. And did you not learn by common talk, or have you not heard that this foreman Sharp was a Republican?—A. No, sir; I never heard what his politics were in the world.

4381. Q. When you state that you heard the politics of the day discussed on that building, you mean to say that you heard the discussions among the mechanics there employed, do you not?—A. I don't mean to say that I heard it solely among the mechanics, but among all classes I should. Can't name any particular man except among the mechanics.

4382. Q. You paid no attention to any of the men employed in the work except those men employed upon your particular job?—A. Yes, sir; I did. I had to. I was called very often to go and work with, among the masons, to set work for them, and they were called to work on work that I was connected with, to the work they had to do.

4383. Q. The mechanics that were there employed were men known as builders and contractors and skilled workmen commanding good wages, were they not?—A. Yes.

Redirect examination of EUGENE PURPLE by JOHN J. LAMOREE, Esq., counsel for contestee:

4385. Q. Do you know what Sharp had to do at that building?—A. I don't know, only what I was told.

4386. Q. What was you told and who told you?—A. I was told that he was time-keeper and had charge of the laboring men. Couldn't say who told me; I know the man by sight—could not call his name; some workman.

4387. Q. Who do you denominate the laboring men there?—A. Those who were not mechanics.

4388. Q. Did you know or learn from any source directly or indirectly of Mr. Sharp's interfering with the politics of those men?—A. No, sir; I did not.

4389. Q. There were men employed upon that building, were there not, from other places than the city?—A. Yes, sir; I have their words for it. They said they were from Syracuse, and some are from Fulton.

4390. Q. Did you hear of some of the workmen having come from Baldwinsville?—A. No, sir; I did not hear that.

4391. Q. Did you hear of Mr. Kingsford sending out of town for men?—A. Yes, sir. I heard that he sent to Syracuse for brick-layers.

4392. Q. You have been a mechanic here in the city how long?—A. Ten years the 7th day of July.

4393. Q. Did you know of the various enterprises that were being carried on in the city last fall in the line of building and improving?

(Objected to as not material, and being a reopening of the examination in chief. Notaries disagree.)

A. I think I did.

4394. Q. Did you know of the pier appropriation of \$90,000, and the appropriation for the normal school of \$46,000; of the erection of the Guimaeres block; of the improvement of the drug store on the west side; of the rebuilding of the Orphan Asylum; of the erection of Charles Pardee's new residence; of the building of Benz & Davis's undertaking rooms; of the erection of the large building known as the Oswego Shade Cloth Factory; of the new Oswego Starch Factory; of the shade cloth factory at Minetto, and of other improvements in the city?—A. The first part of your question in regard to the amounts appropriated I don't remember. I knew of all the work going on that you have mentioned, and was around where it was.

4395. Q. Taking those enterprises into consideration as well as the building in process of erection by Mr. Kingsford, and have you ever known while living in Oswego a larger amount of work of that character than last fall in any one season?—A. No, sir; I don't think I have, that I remember of.

4396. Q. And did not each and all of those works demand each its quota of common laborers?—A. Yes, sir.

#### Recross-examination of EUGENE PURPLE:

4397. Q. The men employed by Mr. Kingsford from other places than Oswego were mechanics rather than common laborers, were they not?—A. They were, to the best of my knowledge.

4398. Q. You may take up the improvements in the order in which you have testified about them and give the time that they were commenced and the number of common laborers employed on them as near as you can.—A. I cannot state the time they were commenced and I cannot state how many mechanics or laboring men were employed on each individual job. I knew they were all in course of construction last summer and fall.

4399. Q. There was a greater demand for mechanics and skilled workmen than for common laborers upon these improvements, was there not?—A. Yes, sir; I should think there was.



4400. Q. And is it not true that notwithstanding all these improvements of both a public and private nature there was a large number of men in this city out of employment in the summer and fall of 1878?—A. Yes, sir; I should think there was.

4401. Q. And in your judgment as a mechanic, do you not think that the work spoken of by you progressed and could have progressed with the assistance of but little common labor?—A. No, sir; I do not.

4402. Q. And can you say that the major portion of these improvements, both public and private, that you have spoken of had not progressed far enough prior to the 5th day of November to be relieved from the employment of so many common laborers upon them?—A. I should say not in regard to some. There were two of the most extensive that required more common labor at that time than any other during their construction. As to the rest, I don't remember just what stage of construction they were in.

4403. Q. And the shade cloth factory at Minetto, spoken of by you, is distant some four or five miles from the city, is it not?—A. I don't know the exact distance; I should judge it was near that.

Second redirect examination of EUGENE PURPLE:

4404. Q. You were asked in question 4400 with reference to unemployed laborers in the city; in your judgment was not the number of unemployed laborers in the city far less in October and November, 1878, than it had been at any time since the financial crisis of 1873?—A. Yes, sir; I should think there was.

4405. Q. And were not the unemployed, in your judgment, confined mainly to those shiftless classes, in every city, who will not work, or to those who were unable to work; in other words, do you believe there was any considerable number of able-bodied men who were desirous for work in October and November and could not get it in Oswego?—A. I don't think during those two months there was a very large number of laboring men but what could get employment.

Second recross-examination of EUGENE PURPLE:

4406. Q. Had not the laboring class in this city become reduced to such straitened circumstances by reason of the long time that they had been unemployed that, in your judgment, they were willing to sacrifice, many of them, their political principles to designing men to obtain employment?

(Objected to as immaterial and incompetent. Objection waived.)

A. In my judgment a man that would be reduced by want of labor so low as to be influenced in his political principle could be bought whether he had work or not. I don't think that men who had political principle were reduced to that point.

4407. Q. Do you not believe that there was a large number of men who were common laborers in this city, last summer and fall, having large families, who had been out of employment for a long time, and who were in reduced and straitened circumstances, that would have been willing and were willing, if in the hands of designing men, to have sacrificed their political principles to save their families from starvation or their little homes?

(Objected to as a libel upon the laboring classes.)

A. I do. There is a large number in the city that would do it to save their families from starvation, and would do it any way, work or no work.

EUGENE PURPLE.

Subscribed and sworn to before us March 15, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

*Deposition of W. I. Rassmussen.*

WILLIAM I. RASSMUSSEN, being duly sworn, says :

4408. Question. Where do you reside ?—Answer. In the third ward, city of Oswego.

4409. Q. Do you know H. D. Baker, counsel for contestant ?—A. Yes, sir.

4410. Q. When were you subpoenaed as a witness in this case ?—A. I think it was a week ago last Friday.

4411. Q. How many days have you been in attendance before the notaries ?—A. Seven days prior to this.

4412. Q. And about how many persons have been present before the notaries during that time ?

(Objected to as immaterial. Notaries differ ; Coon holding that it is in the nature of a preliminary question.)

A. From ten to twenty people ; sometimes more, sometimes less.

4413. And have you from time to time talked with Mr. Baker, Mr. Duffy's counsel, with reference to your being a witness in the case, and about your being subpoenaed ?

(Objected to as immaterial. Notaries differ.)

A. Yes, sir.

4414. Q. And did Mr. Baker ask you if you had been subpoenaed or did you advise him you had ?—A. I don't think he asked me if I had been subpoenaed ; I told him that I had been subpoenaed.

4415. Q. State the time as near as you can when you so advised him. A. I think it was on last week, Wednesday.

4416. Q. And did he advise you that you would not be needed that day, as the cross-examination of Mr. Sumner would use up the day, or words to that effect.—A. He told me that he had no notice of my being a witness. He stated that the cross-examination of Mr. Sumner would probably consume the day, and more than that he could not tell ; and that I might as well go home. I think he did state that he had nothing to do with me.

4417. Q. Did he state the reasons and how your name was in the notice ?—A. No, sir ; he did not.

4418. Q. Did you tell him that you were in attendance as a witness, or words to that effect ?—A. I did.

4419. Q. How long have you resided in the third ward ?—A. In the present third ward, it will be six years the 1st of May coming.

4420. Q. During that time has any person employed in the Oswego Starch Factory held the office or performed the duties of inspector of election ?—A. I don't think there has.

4421. Q. What is your business ?—A. The putting up and packing all the starch that is put up in small packages at the Oswego Starch Factory.

4422. Q. And for how many years have you been engaged in that business ?—A. Nearly twenty-four years, with the exception of three years that I was in the Army.

4423. Q. What position did you hold in the Army ?

(Objected to as immaterial.)

A. I was a commissioned officer; I entered the Army as second lieutenant; was commissioned as first lieutenant, adjutant, and captain.

4424. Q. During last fall's election were you in Oswego, and did you vote at last fall's election?—A. I did.

4425. Q. What have been your politics since the organization of the Republican party?—A. I belonged to what was known as the Know-nothing in 1854, 1855, and 1856; I think I supported Fillmore in 1856 on the Know-nothing ticket.

4426. Q. And was you at that time at work in the Oswego Starch Factory?—A. I was.

4427. Q. And did you support Brooks and Daniel Ullman for governor and lieutenant-governor of New York?

(Objected to as immaterial. Notaries differ.)

A. I did, and I think it was in 1855.

4428. Q. And did you know of others in the Oswego factory doing the same?

(Objected to as before. Same ruling.)

A. I think there were.

4429. Q. And were there also at the same time employes in the starch factory who advocated and supported the Democratic party?—A. I think there was.

4430. Q. What year did you enter the starch-factory service?—A. In July, 1855.

4431. Q. And are you a Republican now?—A. I am.

4432. Q. When did you become a Republican?—A. In 1857.

4433. Q. And have you been a Republican from that time to this?—A. I have.

4434. Q. You may state your custom with reference to attending the polls on election day, both before and since you became a Republican.—

A. I have generally attended the polls ever since I became a voter in the spring of 1851.

4435. Q. For whom did you vote for President in 1852?

(Objected to as not material. Notaries differ.)

A. For General Scott, that is, the electors for General Scott; he was running as a Whig.

4436. Q. And if I understand you correctly you have never been a Democrat.—A. I have not.

4437. Q. Did you know of any impediment being thrown in the way of any employé at the starch factory in 1855 and 1856 calculated to affect a free exercise of the elective franchise?

(Objected to; incompetent, immaterial. Notaries disagree.)

Counsel for contestee admits that it is incompetent as affecting the issues predicated upon last fall's election, but says that it is competent in reply to incompetent testimony admitted on the part of contestant touching the alleged system at the Oswego Starch Factory.

Contestant's counsel asks of notaries Coon and Green, and of notary Coon especially, to hold as his counsel, Mr. Lamoree, admits. Contestant further says that if the testimony introduced by contestant is incompetent, a wrong perpetrated by contestee cannot make it right.

Counsel for contestee refers Counselor Baker to the rule found in *Similia similibus curantur*.)

Witness answers.—I did not.

4438. Q. And have you at any time during your engagements at the factory known of persons being discharged from employment for political reasons?—A. I have not.

4439. Q. And did you attend at the polls in the third ward on election day last fall, November 5?—A. I did.

4440. Q. You may state what you observed, if anything, with reference to the use of money, the intimidation of voters, or any other corrupt or improper influence there exerted on the part of Judge Mason or his friends?—A. I saw no money used; I heard of none being used. I did not see or hear of any intimidation, and the election at the third-ward polls was a very quiet one. I knew of no other corrupt or improper influence.

(Contestant moves to strike out, as not responsive, the words, "and the election at the third-ward polls was a very quiet one.")

Counsel for contestee opposes the request, as the words of the witness are in response, and contestant ought not to oppose a quiet election.)

4441. Q. Were you at the polls all day in the third ward?—A. I was, with the exception of an hour for dinner.

4442. Q. How many years have you resided within the third and fifth wards?—A. Nearly thirty-one; will be thirty-one in May. I wish to correct. I lived the first four years of that time in the first ward.

4443. Q. And are you familiarly acquainted with the residents of the third and fifth wards?—A. Yes, sir.

4444. Q. And also with the employés in the starch factory?—A. I am.

4445. Q. In which ward of the city do the starch factory employés mainly reside?—A. I think one-half, or nearly one-half, reside in the fifth ward.

4446. Q. That is the ward in which the works are located?—A. It is.

(Contestant's counsel objects to this, that the statement of counsel is not a question.)

4447. Q. What has been the political complexion of that ward since its organization?—A. Democratic.

4448. Q. And by about what majorities when the Democracy are united?—A. Between 150 and 200.

4449. Q. And about how many votes comprise what you denominate a full vote in the ward?—A. I don't know exactly; I think it is about 600, and may be more.

4450. Q. State what you may know with reference to those persons working in the starch factory, who usually vote the Republican ticket, having supported the Democratic ticket?—A. There are a great many Republicans who usually voted the Republican ticket, who supported some candidates on the Democratic ticket.

4451. Q. And had that support anything to do with their employment in the starch factory?—A. It did not.

4452. Q. You may state such instances as occur to you when Republicans there employed, or some portion of them, gave their support to the Democratic ticket?—A. Col. James Doyle was one Democratic candidate supported for sheriff of Oswego County. It was nine years ago last fall, I think. And a good many supported Alanson S. Paige, for another, for mayor, I think, in 1872; and for Thomas Murphy for alderman two years ago. I think they did the same for Thomas Murphy four years ago this spring—charter election. I remember Francis Kernan when he ran for governor; they supported him largely. I don't recall any other at this time.

4453. Q. Had this support anything to do with Mr. Kingsford or the employment in the starch factory?—A. I don't think it did in the least.

4454. Q. During your connection with the starch factory have you at any time known Thomson Kingsford to attend or take part in any political meeting in the city of Oswego?—A. I have not.

4455. Q. Do you know of any system adopted at the starch factory by Mr. Kingsford or any one else having reference to the political action of the employés?—A. I do not.

4456. Q. Have you at any time during the past twenty-five years known of such a system?—A. I have not.

4457. Q. You have heard, have you not, of rumors having been set afloat in Oswego to the effect that those employed in the starch factory were, by some rule or system therein adopted, compelled to vote the Republican ticket?—A. I have.

4458. Q. To what do you attribute that rumor?

(Objected to workings of this man's mind; conclusions not evidence; incompetent. Notaries disagree. Coon for admission.)

A. I attribute the rumor to the opposing party—the Democratic party—getting beaten and the more they get beat the more they growl. I have always noticed that the worse they got beat they would cry intimidation.

4459. Q. You may state any further or other causes to which you attribute that rumor?—A. The Palladium, the Democratic paper, has always brought this matter up about election time.

(Contestant's counsel asks the notaries to record that the witness stated in the interrogatory by Mr. Lamoree, "Well, is there anything further?" and that he answered, "I don't know as there is anything further.")

4460. Q. Has the Palladium for some years, upon personal grounds through its editors or correspondents, been at variance with Mr. Kingsford?

(Objected to as incompetent and immaterial to this issue. Notaries disagree.)

A. I should think it had, from the tone of the articles published in the Palladium.

4461. Q. Did not that paper very bitterly assail Mr. Kingsford on personal grounds because he appeared as complainant against one of his employés upon a charge of embezzlement several years since, about four years since?—A. I think it did.

4462. Q. Do you know of any efforts having been put forth at the starch factory in answer to the rumors of intimidation of voters at the starch factory?—A. I know it has been denied always.

4463. Q. And has it been denied both by Mr. Kingsford and by the employés at the factory?—A. It has.

4464. Q. Do you know Dennis Sweeney, who has been sworn on the part of the contestant?—A. I do.

4465. Q. And do you know for what reasons he was discharged from the starch factory?—A. I heard he was discharged from the factory for drunkenness.

(Contestant's counsel objects to this answer as not responsive to the question.)

4466. Q. And when and from whom did you hear that?—A. The first time I heard it was a long time ago, can't tell the time. Since that time two men have told me that they were there at the time he was discharged.

(Contestant's counsel objects to the part of the answer commencing "Since that time," &c., as not responsive to the question.)

4467. Q. You may now state from whom you first heard the cause of his discharge?—A. I think it was from David Davies.

4468. Was he the foreman in charge over Sweeney at the time?—A. He was the general overseer.

(Contestant's counsel objects to the answer of the witness on the ground that it was not responsive.)

Adjourned to 2 p. m.

2 P. M.

Examination of WILLIAM I. RASMUSSEN resumed.

4469. Q. And was that communication from Davies about the time of Sweeney's discharge?—A. No, sir; it was after that.

4470. Q. How long?—A. Over a year.

4471. Q. And about how long ago since you were advised of that fact by Davies?—A. I think fourteen years.

4472. Q. You may state what Davies said about it.

(Objected to as being hearsay; Mr. Kingsford being alive should be produced. Notaries differ. Coon for admission.)

A. Can't state the exact words. It was shortly after I went back to the factory after I left the Army. It was in conversation speaking of different ones who worked there when I went away and that were not there when I returned. To my question in regard to Sweeney he said that he had been discharged for being drunk while at work. That was the substance of the conversation between Davies and I in regard to Sweeney.

4473. Q. And since then have you known Sweeney?—A. I have.

4474. Q. And what do you know, if anything, in reference to his inebriations?

(Objected to as immaterial and incompetent. Notaries differ. Coon for admission.)

A. I don't know anything about his inebriation since he left the factory.

4475. Q. Do you know Alexander Leaman, who has been sworn on the part of contestant?—A. I do.

4476. Q. And how long have you known him?—A. Think I have known him for twenty years or more.

4477. Q. Did you know of his working in the Oswego Starch Factory?—A. I do.

4478. Q. About what year was he discharged from the factory, if you know?—A. I do not know.

4479. Q. How many years since you knew of his being at the factory as an employé?—A. I think he has not worked there in six or seven years; can't tell the exact time.

4480. Q. Do you know anything with reference to his being discharged from the factory?—A. I do not.

4481. Q. Has any man ever been discharged from the starch factory to your knowledge for having voted the Democratic or any other ticket?—A. There has not.

4482. Q. When these reports or rumors were set afloat by the Oswego Palladium to the effect that employés of the starch factory were compelled to vote the Republican ticket, what efforts, if any have come to your knowledge, were put forth to contradict them?

(Objected to as incompetent and immaterial. Notaries differ.)

A. I saw a letter published in the Palladium by Chauncy Smith, denying that he had been influenced in any way, or words to that effect.

4483. Q. Did you know of a paper bearing the signatures of most of the employés, or a large number of them in the factory, and which was printed and scattered throughout the city just before the election, wherein the employés emphatically denied the correctness of those rumors?

(Objected to as incompetent. That a paper signed by the employes should be produced as the best evidence.)

A. I never saw the paper.

4484. Q. Did you hear about it ?

(Same objection.)

A. I heard it talked of as circulated while I was in the Army.

4485. Q. What year did you return from the Army ?—A. In 1865.

4486. Q. Are you in the employ of the starch factory company ; and, if not, what relation do you hold to the starch factory ?—A. I have a contract for packing starch.

4487. Q. Who selects and employs the hands in your department ?—A. I do myself.

4488. Q. And for how many years have you maintained that relation ?—A. Ever since I have been there.

4489. Q. And has Mr. Kingsford or the Oswego Starch Factory Company anything to do with your time ?—A. No, sir.

4490. Q. And do you know of others who are also engaged upon contracts at the factory ?

(Objected to as immaterial. Notaries differ.)

A. I know of one other, J. A. Southwick.

4491. Q. And does he select and employ his men ?

(Objected to as immaterial, and second, witness not shown to have any knowledge on the subject. Notaries disagree.)

A. He does.

4492. Q. Do you understand that Mr. Kingsford and the starch factory have anything to do with his time ?

(Objected to, as calling for the understanding of witness instead of knowledge, and immaterial.)

A. I understand they do not.

4493. Q. Are either you or Southwick in the employ of the starch factory company ?—A. We have a contract with the Oswego Starch Factory Company.

4494. Q. And is that the only relation which you sustain to the Oswego Starch Factory Company ?—A. That is all.

4495. Q. Have you at times taken charge of Southwick's department in his absence ?

(Objected to as immaterial. Notaries disagree.)

A. I have drawn money for Mr. Southwick and paid his hands when he has been sick, at his request.

4496. Q. You may state any facts within your knowledge relative to the conduct of Dennis Sweeney while in the employ of the Oswego Starch Factory Company.

(Objected to as being incompetent, not confined to the time of his discharge.)

A. He got into a row with some of my men ; think it was in November, 1859 or 1860, will not be certain which, on Thanksgiving day. He came where my men were at work ; two of them were having a dispute and was talking loud. They had a clinch (the two men). Sweeney came up and says, "I'll have no fighting here." I told him if he would go away there would be no fighting. He said he would not do it. I urged him again to go away, that they were my men and I would take care of them. He immediately caught hold of the men. The men let go of each other, and one of them knocked Sweeney down. Sweeney then said that he would fix them ; he then went down in the factory in what is called the flat roof part of it, in the old factory, and got ten or

twelve factory men and told them to clean the boys out (my boys). The boys knocked down four or five of them, and the rest ran away.

4497. Q. Was Mr. Kingsford's attention called to this fight?—A. It was, the next day.

4498. Q. Did you regard Sweeney as a quarrelsome man, or was he so regarded in the factory?

(Objected to as incompetent and immaterial, and not confined to the time of his discharge.)

A. I considered him so, and think he was considered so by others in the factory.

4499. Q. Is there a rule prevailing at the starch factory with reference to inebriations among the men?—A. I don't know of any rule except that a man is not allowed to go in the factory drunk.

4500. Q. Is the business of starch-making such as to render it dangerous both to the manufacturer and to the employee, about the vats and machinery, to allow inebriated men to enter?—A. Yes, sir.

4501. Q. You said this morning that the complexion of the fifth ward, politically speaking, was decidedly Democratic; and also that many Republicans in that ward voted for Mr. Murphy, Democratic candidate for alderman four years ago. You may now state if you know why the Republicans of the ward did not nominate a candidate of their own.

(Objected to; immaterial and incompetent. Notaries differ. Coon for admission.)

A. For the reason that there was no chance to elect a Republican, as I understood it.

4502. Q. And were the Democrats that spring divided between themselves?

(Objected to as incompetent and immaterial and rebutting the testimony of their own witness. Notaries differ.)

A. They were divided.

4503. Q. And has that division tended to improve the chances of the Republicans of the ward?

(Objected to as before; same ruling.)

A. I think it has.

4504. Q. You may briefly state when that division arose, and what the results have been so far as you have observed.

(Objected to as immaterial and incompetent; notaries differ. Coon for admission.)

A. I think it arose four years ago this winter. By a division called the Murray and Murphy factions. I think there was a Hayes faction that winter too. I think there was three Democrats ran for the office of alderman that spring. There was merely a choice by Republicans what Democrat they would prefer. I think the Republicans voted generally for Murphy, and done the same two years ago.

4505. Q. Has this fight been characterized by much bitterness and ill-feeling between the factions?

(Objected to as immaterial and incompetent. Same ruling.)

A. I understood it to be so.

4506. Q. And has it been kept up to this time?

(Same objection and ruling.)

A. I think it has.

4507. Q. And has the Greenback issue during the past year or two also entered into that ward and contributed to a further division among the Democrats?

(Same objection and same difference.)

A. I think it has.



4508. Q. You may state what you may know, if anything, with reference to the divided sentiment of the Democracy in Oswego City upon the financial issues last fall.—A. I think there were some divided on the financial question.

4509. Q. State all you know about it. State what your observations and knowledge derived from others is upon that subject.—A. I know that there was a good many Democrats who would not vote for the Greenback member of Congress on account of his views on the financial question.

4510. Q. And was not that a fact freely canvassed upon the streets and in the public places of the city as you understand for considerable time before the election ?

(Objected to as calling for an understanding instead of facts.)

A. It was.

4511. Q. You may state the names of some of the leading Democrats residing in your own ward who refused to support Mr. Duffy on the financial issue, and state their official positions, if any.

(Objected to as incompetent and irrelevant ; should be confined to the refusal of voting for him at the election.)

A. Alanson S. Paige, ex-mayor, ex-Mayor Edwin Allen, Ex-Mayor Albertus Perry, Ex-Alderman Charles Rhodes, L. L. Kenyon, one of the board of public charity, DeLoss DeWolf, president of City Bank, ex-member of Democratic State committee.

(Contestant's counsel objects to the last part of witness's answer on the ground that he gave it at the suggestion of Counselor Lamoree, after the question had been asked and before he answered ; that is, to that part of the answer stating that DeLoss DeWolf is an ex-member of the Democratic State committee.

4512. Q. Go on and state the rest.—A. I don't recall any others.

4513. Q. Were those whom you have mentioned prominent and foremost in the councils of the Democratic party ?—A. I have always considered them so.

4514. Q. And have they, for many years, been gentlemen of extended influence, sustained by a large following in the ranks of the Democracy ?—A. I have considered them so.

4515. Q. Do you know Charles T. Richardson ?—A. Yes, sir.

4516. Q. And is he a resident of your ward ?—A. He is.

4517. Q. What did you understand his position to be with reference to the support of Duffy on the financial question ?—A. I understood he opposed him.

4518. Q. And has Mr. Richardson been prominent, also, in the councils of the Democracy ?—A. I think he has.

4519. Q. And is he attorney for the Rome, Watertown and Ogdensburg and Oswego and Lake Shore Railroads, as you understand ?

(Objected to, 1st, as immaterial, and 2d, calling for the understanding of the witness instead of knowledge.)

A. I don't know anything about it.

4520. Q. And did you understand that a corresponding opposition to Mr. Duffy in Democratic circles also prevailed in the other wards in the city ?

(Objected to as calling for understanding instead of knowledge ; incompetent.)

A. I understood it prevailed in all the wards.

4521. Q. Did you not understand, also, that there existed among the Democrats of the city a wide-spread dissatisfaction growing out of the indorsement of an outspoken inflationist as the Democratic candidate ?

(Objected to as calling for an understanding instead of his knowledge of facts, it not having been proved heretofore what, if any, direct knowledge he had, and assumes the existence of a fact for the purpose of making an issue in this question which has not been proven.)

A. I did.

4522. Q. About how many voters were employed at the Oswego Starch Factory at the time of the election?—A. I think there was about two hundred.

4523. Q. And about what proportion of them were Republicans?

(Objected to, as witness has not shown himself competent to speak as having knowledge.)

A. Nearly all of them.

4524. Q. Then there were but few Democrats there employed?—A. There were but few.

4525. Q. And were many of the men there employed so employed during the lifetime of Thomas Kingsford?—A. Yes, sir.

4526. Q. Is not the process employed in the manufacture of starch such as to render it almost indispensable that the men so engaged, by reason of their experience, be retained; and is it not greatly to the advantage of the employer, namely, the Oswego Starch Factory Company, that such old and experienced hands be retained so long as they are physically able to perform their respective duties?

(Objected to as immaterial and incompetent, and rather inclined to be leading.)

A. It is.

4527. Q. And Mr. Thomas Kingsford was the originator of this system of making starch?

(Objected to as immaterial. Notaries disagree; Coon for admission.)

A. I so understood him to be.

4528. Q. Do you also understand that he originally selected and employed, educated, and trained these old and skillful hands in the science of making starch?

(Objected to as immaterial.)

A. I do.

4529. Q. State what you may know with reference to the annual discharge of men from the factory.

(Objected to as incompetent and immaterial.)

A. I know they require more men in the summer than in the winter.

4530. Q. As a rule, during the time you have been there, has not the force at the factory been lessened during the winter season or to meet the requirements of the winter season?—A. It has.

#### Cross-examination of WILLIAM J. RASMUSSEN:

4531. Q. Did not Mr. Baker, counsel for contestant, state that he had nothing to do with your coming or going as a witness in this case, for the reason that no notice had been served on him for the taking of your deposition?—A. You did not state it in that way.

4532. Q. Did you not make an inquiry of me about when you would be examined, or words to that effect?—A. Not at the time you speak of.

4533. Q. You may state what I said to you.—A. You said that I might as well go home; that you had no notice that I was to be a witness here.

4534. Q. You was present when Chauncey Smith was being examined, were you not?—A. I was.

4535. Q. And he was examined by Judge Churchill, the associate counsel with Mr. Lamoree for Judge Mason, was he not?—A. He was.

4536. Q. And did you not write out memoranda of questions, or write out questions and give to Judge Churchill to ask of Chauncey Smith?—A. I did.

4537. Q. And are you employed as side counsel by Judge Mason in this case?—A. I am not.

4538. Q. And have you not, since you have been upon the witness-stand undergoing your examination-in-chief, held consultations with John J. Lamoree, counsel for contestee, who was examining you, and suggested questions to be asked or advised him of what answers you would give to certain questions if he asked them?—A. I had one or two consultations with him, but did not tell him what the answers to any questions would be; I did not know what questions he would ask; I called his attention to two or three things.

4539. Q. And did you not have a memoranda of something in your pocket connected with the testimony that you were going to give, which you either showed to him or consulted about?—A. I had a memorandum; I showed it to him, but did not consult him.

4540. Q. When were you subpoenaed to testify in this case, and when was you to appear?—A. I was subpoenaed a week ago last Friday to appear here the next day, Saturday.

4541. Q. And have you been in attendance here from day to day since that time?—A. I have.

4542. Q. And how much has been paid you as witness-fees during that time?—A. Seventy-five cents, and am waiting patiently for the rest.

4543. Q. And that is the same answer that was given by Chauncey Smith on Friday or Saturday last?

(Objected to as immaterial; notaries differ.)

A. I think it is.

4544. Q. At what age in life did you commence to vote?—A. Twenty-one.

4545. Q. And you started at voting the Whig ticket, did you not?—A. I did.

4546. Q. And continued to vote the same down to what year?—A. Down to 1854, my impression is; think I voted the Whig ticket in 1853.

4547. Q. What ticket did you then commence to vote?—A. It was called the Native-American or Know-Nothing ticket.

4548. Q. You were not then employed in the Oswego Starch Factory, were you?—A. I was not.

4549. Q. And what caused you to change your politics from Whig to Know-Nothing?

(Objected to as immaterial.)

A. I think it was about the time the Whig party broke up, and this was a new party just started at that time.

4550. Q. And what became of the Know-Nothing party?—A. Well, that played out.

4551. Q. And you played into the Republican party in what year?—A. I think I cast my first Republican vote in 1857.

4552. Q. At the spring or fall election?—A. I think it was at the spring election.

4553. Q. And you entered the employ of the starch-factory in July of what year?—A. In 1855.

4554. Q. State what, if you know, was the politics of Thomas and Thomson Kingsford in July, 1855, and what they had been before?—A. I supposed them to be Republicans in 1855, when I went there. I supposed them to be Whigs before, both of them. Had always considered them as such.

4555. Q. Do you not know that the Republican party was not in existence until 1856?—A. My impression is that it was organized in 1855. That is my impression.

4556. Q. What party was it that swallowed up the Whig and Know-Nothing parties, the Republican or Democratic party?—A. I think the greater portion of the Whigs went into the Republican party. That the Know-Nothing party was divided, some went into the Democratic party and some in the Republican.

4557. Q. During what years were you an inspector of election?  
(Objected to as assuming a fact not proven—that he has ever been an inspector of election.)

A. I think I was inspector of election in 1870 or 1871. Will not be positive.

4558. Q. What other years were you an inspector of election?—A. I was appointed as an inspector one year, and don't remember what year it was. Think that is the year I have referred to. I don't remember being elected an inspector of election since the war, but would not be positive about it.

4559. Q. And were you not elected inspector of elections in the years 1860, 1861, 1862, and in 1873, three years of which were in the old third ward and one year in the new third ward?—A. As to 1860, 1861, and 1862, it might have been so. I think I was. I did not live in the third ward at the spring election of 1873.

4560. Q. Was you appointed in 1873?—A. I don't remember that I was.

4561. Q. Will you swear positively that you were not?—A. I will not.

Adjourned, according to stipulation of counsel, to the morning of the 22d day of March, at 9 a. m.

March 22, 1879, met pursuant to adjournment, and cross-examination of WILLIAM J. RASSMUSSEN continued.

4562. Q. Give me the names of as many persons as you can who are employes of the starch-factory, and who voted for James Brooks and Daniel Ullman for governor and lieutenant-governor of the State of New York, and give the year.—A. Can't give you the names of them, except myself. I know that I voted for them. I think it was in 1855.

4563. Q. On what political ticket were they candidates?—A. The Native American ticket.

4564. Q. If, in answer to the second preceding question, you say you can't give the names of the starch-factory employes who supported Brooks and Ullman, what did you mean and what was your object in swearing upon your examination in chief that you knew of others in the Oswego Starch Factory voting for these men?—A. I meant just what I said. I knew the men at the time, but can't give the names. I recall one now, J. A. Southwick.

4565. Q. Give the names of any others that you recollect.—A. I can't recall now the names of any others.

4566. Q. And how do you know that Southwick supported them and voted for them?—A. I know it as well as I know of seeing a man vote a ticket. He told me he voted for them. He and I worked at the polls together on election-day for the ticket.

4567. Q. And what ticket did the two Kingsfords vote at that time?—A. I think they voted the Republican ticket.

4568. Q. Now, sir, was it not in the fall of 1856 that Brooks and Ullman were candidates for governor and lieutenant-governor of this

State?—A. My impression was that it was in 1855. It was either in 1855 or 1856.

4569. Q. Give me the names of any and all persons who advocated and supported the Democratic party that year who were employes of the starch factory.—A. I can't give you the names of any.

4570. Q. Why can you not give the names of any?—A. I don't know whether there were any that supported the Democratic ticket that year or not.

4571. Q. And in what year did you vote for General Scott?—A. I think it was in 1852.

4572. Q. Then you never were a Democrat either prior to or subsequent to your employment in the starch factory?—A. I was not.

4573. Q. In what capacity did you enter the starch factory employment?—A. As a contractor.

4574. Q. Did you sign any articles of agreement at that time?—A. I did not.

4575. Q. And have you since that time signed any articles of agreement or other paper with the Oswego Starch Factory relative to your employment there?—A. I have never signed any rules or any regulations concerning the factory.

4576. Q. Who furnishes the stock and the means to pay your hands if you have any employed and used in your department?—A. The Oswego Starch Factory furnishes me starch and material, I furnish lights, tools, and labor.

4577. Q. Who furnishes the money?—A. The Oswego Starch Factory.

4578. Q. And is your contract for a fixed time or only at the pleasure of the starch factory or Thomson Kingsford?—A. Just as long as my work is satisfactory.

4579. Q. What material do you have reference to in your answer to a previous question as furnished by the Oswego Starch Factory?—A. Packing-boxes and cases and labels.

4780. Q. And is not Mr. Southwick's employment there at the pleasure of the Oswego Starch Factory to terminate, and not for any specified length of time?—A. I did not hear the bargain between Mr. Kingsford and Mr. Southwick, but suppose it is the same as mine.

4581. Q. You have stated in your examination-in-chief that it was your custom and regular habit to attend the polls on election days. Give me the names of all the bosses and foremen in the starch factory whom you knew to be in the habit of attending the polls on election days from 1856 up to the time that you became a defender of your country's cause in the late civil war?—A. J. A. Southwick, Henry Kingsford, and myself. I don't remember any others before the war and up to the time of my enlistment, not including 1856. There might have been more, but I don't know whether there was or not.

4582. Q. Kingsford and Southwick were Republicans as well as yourself at that time, were they not?—A. I think they were.

4583. Was Charles Baker not a boss or a foreman during that time, and was he not in the habit of attending the polls on election days?—A. I don't remember whether Baker was a foreman at that time or not.

4584. Q. What position in the factory did Henry Kingsford fill during that time, and state in detail; and was he not a brother of the present manager, Thomson Kingsford?—A. He superintended the manufacture of starch, and was not a brother of Thomson Kingsford.

4585. Q. What relation, if any, was he of Thomson Kingsford?—A. I always heard them called cousins.

4586. Q. From 1856 up to the time that you entered the military serv-

ice in 1863, had either Thomas or Thompson Kingsford, the then managers, told you or suggested to you that it would be as well for you to keep away from the polls on election day and attend to your duties in the factory, or in substance that?—A. I think not; the time was my own and they had nothing to do with it.

4587. Q. Had you not heard by common talk and common repute upon the streets and other places in the city of Oswego, and through the papers published in the city of Oswego prior to the time that you entered the military service, that intimidation was charged against the Kingsfords towards the employees in the starch factory on election days?—A. I don't know that I ever heard it charged in any paper except the Democratic paper. The democrats talked intimidation.

4588. Q. And was it not freely talked by the Democrats that the starch-factory vote was intimidated by the Kingsfords and forced to vote the Republican ticket up to the time that you became patriotic?—A. They talked it more freely when they were badly beaten at the election; it was talked freely by the Democrats.

4589. Q. Up to that time had there been any notices, either written or printed, posted in the factory instructing the bosses and foremen to keep away from the polls on election days, and the men to vote according to the dictates of their own conscience?—A. No, sir; never saw or heard of such a notice.

4590. Q. When did you first enlist in the army?

(Objected to as immaterial.)

A. In this city in 1862.

4591. Q. Were you a private soldier or a commissioned officer when you left the city of Oswego?—A. I was a commissioned officer.

4592. Q. And what was your military rank when you came home, and when did you come home?—A. My rank was captain when I came home; came in August, 1865.

4593. Q. The Oswego Times, the Republican paper of this city, was in error then in one of their issues of last week when they gave you the title of Major Rassmussen as being on the witness stand?—A. They were not.

4594. Q. When and of what regiment and in what service were you a major?—A. I was brevetted major of the One hundred and tenth Regiment of New York State volunteers by Governor Fenton; I think it was in the winter of 1865-'66; I think it was the fore part of 1866, but am not positive as to date.

4595. Q. Was your regiment still in the field when you were brevetted?—A. It was not.

4596. Q. Was you ever put under arrest, or did you ever have charges and specifications preferred against your misconduct as a soldier during the late war?—A. I was never put under arrest and never had charges preferred against me while in the service.

4597. Q. Prior to the time of your enlistment had you not seen Republican tickets, or heard of Republican tickets being delivered to the employees of the starch factory, at the starch factory or starch factory office, for them to vote on election day?

(Objected to as immaterial. Notaries differ; Coon for exclusion.)

A. I don't remember of hearing of any such transaction; I certainly did not see any such transaction.

4598. Q. Have you not seen bosses or foremen and Thomas and Thomson Kingsford have Republican tickets both before and on the day of election and delivering the same to employees, prior to the time of your entering the military service?

(Objected to, that Thomas Kingsford's acts prior to his decease ten years ago and relating to occurrences transpiring sixteen years ago can have no relation whatever to alleged intimidation at the polls last fall; 2d, that the same will hold good as to Thomson Kingsford, who succeeded his father eight years after these occurrences of 1860 and 1861; 3d, that was the absolute intimidation of the starch-factory vote established more than sixteen years ago, as the same is not, even then the same would be outside and wholly immaterial to the issues joined in this contest; 4th, that even then not even an inference could be predicated upon such long past transactions carried on by a person long since deceased to the effect that like intimidation was the order of the day in 1878, and perpetrated by another individual in charge of the same establishment; 5th, question calls for nothing out of place. Notaries differ; Coon for rejection of the testimony.)

A. I never saw the bosses and foremen delivering tickets at the factory, but have seen the bosses and foremen give tickets at the polls to those that asked them for them. I don't know that I ever saw Thomas or Thomson Kingsford give a Republican ticket to an employé of the Oswego Starch Factory either at the factory or at the polls.

4599. Q. Have you not heard, and will you swear positively that employés of the starch factory have not been required to go into a room and take their tickets from a table as there prepared by Mr. Kingsford and his clerk or clerks, bosses or foremen at the factory before going to vote on election days?—A. I never heard of such a thing. I don't know of such a transaction, and I have no knowledge of such a transaction.

4600. Q. Will you swear positively that Mr. Kingsford, prior to the time you enlisted, did not require the employés of the starch factory to take their tickets as prepared for them to vote either from one or more of his clerks or bosses or foremen, or off from a table either in his office or room connected therewith or some room there at the factory?—A. I would not swear that he did or did not. I never heard of the thing before.

4601. Q. Did you know of John Allair and Leonard Fergal and J. H. Graham who worked in the factory?—A. I did not.

4602. Q. Have you ever heard of them having worked in the factory?—A. I never did to my knowledge. Don't remember of ever hearing their names before.

4603. Are you now enabled to recollect the names of the majority of the men who worked in the starch factory up to the time of your enlistment, and did you know the most of them?—A. I knew the most of them by sight, but not half of them by name.

4604. Q. You do not pretend to say that you know that no intimidation was practiced against the employés of the starch factory on election days by Kingsford, his bosses or foremen while you were in the military service, do you?—A. While I was in the military service I knew nothing about what they done.

4605. Q. Will you swear that Mr. Kingsford did not say to J. H. Graham, one of his employés in 1864, that if he did not vote the Republican ticket he could not work in the factory, and that he was not discharged on election day because he did vote the Democratic ticket, and that he was not reported by one of the bosses for not doing so?

(Objected to as immaterial. 2d. Witness has testified already that he was then in the military service, and knew nothing as to what took place at the factory at that time. Question only propounded to consume

time. Notaries differ. Coon for rejection of the testimony. Green for admission.)

A. I know nothing about it.

4606. Q. Have you not heard by common talk prior to your enlistment, and since that time, that men were discharged from the factory because they voted the Democratic ticket?

(Objected to. All been gone over time and again. Immaterial, and only called for to consume time. Notaries differ. Coon for exclusion.)

A. It is common among the Democrats.

4607. Q. Was there not a man by the name of Hiram Hammond working in the starch factory up to within the last two or three years?—A. Not to my knowledge.

4608. Q. Have you not heard that Hiram Hammond formerly worked there?—A. I never heard that he worked in the starch factory.

4609. Q. Did you know or have you heard of his having worked for Mr. Kingsford in any of the different branches of business connected with the starch factory, or managed or controlled by Kingsford?—A. He used to work in the wooden-box factory.

4610. Q. Is that factory connected with the starch factory and under the control of Mr. Kingsford?—A. It is controlled by Mr. Kingsford. It is considered a separate business aside from the starch factory.

4611. Q. And up to within what time has he worked there, to the best of your recollection?—A. It must be about four or five years, I think.

4612. Q. And was he not discharged within the last two and a half years by Mr. Kingsford because he voted the Democratic ticket?—A. My impression is that it was longer than two and a half years, but don't know what he was discharged for.

4613. Q. Do you know in what ward he voted?—A. I think he voted in the fifth ward.

Adjourned to 2 p. m.

Two p. m. Cross-examination of WILLIAM J. RASMUSSEN resumed:

4614. Q. Did you reside in the fifth ward at last fall's election?—A. I did not.

4615. Q. And did you canvass the fifth ward just before last fall's election so as to know what its political complexion was?—A. I did not.

4616. Q. Can you give the Democratic or Republican majorities of the fifth ward for five years last past respectively?—A. I cannot.

4617. Q. You have stated that persons in the employ of the starch factory voted the Democratic ticket sometimes, who usually vote the Republican ticket; you may give me the names of those persons?—A. I have not said any such thing.

4618. Q. Did you not state in your examination in chief in answer to the following question, to wit: "State what you may know with reference to those persons working in the starch factory who usually vote the Republican ticket having supported the Democratic ticket," that a great many persons who usually vote the Republican ticket supported candidates on the Democratic ticket?—A. That is as I understood; yes.

4619. Q. You may give me the names of persons so supporting Democratic candidates to your own knowledge, as distinguished from hearsay, and who the Democratic candidates were to your own knowledge?—A. The first Democratic candidate I remember of was Col. James Doyle. I voted for Colonel Doyle.

(Counsel for contestee insists that the question in its present form is not limited to an ocular knowledge, and witness may speak from hear-



say knowledge as well as ocular, and from knowledge derived from conversation with such voters, both before and subsequent to the election.

Contestant's counsel insists on an answer directly responsive to the question, and objects and protests against this continual instruction of the witness before he answers the question while on the witness stand, and protests against the notaries recording an evasive or explanatory answer from the witness or any answer based on mere hearsay.

Counsel for contestee disclaims any interference with the witness or design to prompt him, and is only desirous that the scope of the knowledge on which the question and answer thereto rests shall be made apparent to the witness; that the term knowledge implies a knowing from each and every source.

Contestant's counsel having limited the question so as to exclude hearsay knowledge, contestee's statement as above is waived.)

Answer continued: I voted for Colonel Doyle. I can't name any more, except from what others told me. A good many took tickets from me with Paige's name for mayor and went up and voted; I can't tell their names.

(Contestant's counsel moves to strike out that part of the answer reading "A great many took tickets from me with Paige's name for mayor," as not responsive to the question.)

Answer continued: The case of Murphy for alderman—I can't give the names of those who voted for him.

4620. Q. In what year did Colonel Doyle run for sheriff?—A. Nine years ago last fall.

4621. Q. And who were the candidates for member of assembly that year?—A. I think they were Benjamin Doolittle and DeWitt C. Littlejohn.

4622. Q. They were both Republicans, and Littlejohn was reviewing on the stump, were they not?—A. I think they were.

4623. Q. And did you not understand the arrangement to be that the Democrats were to support Littlejohn for the purpose of defeating Doolittle, and the Republicans to support Doyle; and was not Doyle uniformly supported by the starch-factory vote that year with Littlejohn?—A. I did not know of any arrangement except what I made with John A. Barry, editor of the Palladium at that time. He was to print me Republican tickets with Colonel Doyle's name on for sheriff. I was to use those tickets at the polls providing he would not print any other Republican tickets with any other Democrat's name on. He agreed to the arrangement. I used those tickets all day. I know of no other arrangement. I did not understand there was any arrangement to that effect; the Democrats had no candidate and indorsed Littlejohn, as I understood it at the time. The starch-factory vote was uniformly cast for Doyle for sheriff, but was divided between Littlejohn and Doolittle.

4624. Q. How did you understand that Kingsford voted that year as to Doyle and Littlejohn?

(Objected to as immaterial. Notaries differ; Coon for exclusion.)

A. I think Mr. Kingsford supported Littlejohn, but don't think he did Doyle.

(Contestant's counsel moves to strike out the answer as not responsive.)

Witness answers further: I think he voted for Littlejohn and against Doyle.

4625. Q. Will you swear positively that you do not know and did not know at the time Colonel Doyle was a candidate that Mr. Kingsford knew of and was a party to the arrangement of a bargain and sale on

Colonel Doyle and Littlejohn, and that Mr. Kingsford did not vote for Doyle?

(Objected to; witness has already testified his understanding that Mr. Kingsford did not support Colonel Doyle, and should not be obliged to repeat that evidence in the assumed form of a denial by counsel; 2d, the evidence is immaterial. Notaries differ; Coon for exclusion; Green for admission.)

A. I did not know that Kingsford knew of any such arrangement. I will not swear positively that Mr. Kingsford did not vote for Doyle. I do not know now that Mr. Kingsford knew of any such arrangement.

4626. Q. Will you say positively that he did not have knowledge of, and was not a party to, an arrangement of that kind?

(Objected to as before, and that contestant's counsel is only consuming time, and during the taking of these depositions often by open declaration justifies his said consumption on the ground of alleged retaliation.

Contestant's counsel alleges that the consumption arises from the persistent determination on the part of contestee's counsel, Mr. Lamoree, to be continually talking and arguing the effect of a question, and what the answer should or should not be, in the presence of the witness, thereby causing the witness to give an answer in the exact words or in substance what the counsel desires it to be; this witness and others having repeatedly adopted the language or suggestions of contestee's counsel in their answers. Contestant's counsel further says that he has repeatedly said to Counselor Lamoree, in the presence of the notaries and the witnesses, that his course of interruption and suggestion would only prolong the cross-examination, and now says to Counselor Lamoree and puts him upon notice that if he desires to save time he must not continue these interruptions.

Counselor Lamoree says that the above declarations of Counselor Baker are not sustained by the facts as transpiring before the notaries, and only refers to the last dozen questions propounded to witness on cross-examination as a proper and fitting reply, and to the objections thereto recorded.)

Witness answers: I could not say if he did or did not know anything about such an arrangement.

4627. Q. Who was the opposing candidate to Alanson S. Paige when he was the candidate for mayor of Oswego on the Democrat ticket and he received the starch-factory vote?—A. Isaac G. Jenkins.

4628. Q. And at that time was there not a Republican paper published in the city of Oswego called the Press?—A. There was a paper published here called the Press, but I think it was as well known as the Jungle paper as a Republican paper.

4629. Q. What do you mean by Jungle press?—A. I mean it was a press supported by a party that was named the Jungle; I don't know what gave it the name, but that was the name it went by—called the Jungle Ring.

4630. Q. Mr. Jenkins was the Republican candidate for mayor, and Hon. Alanson S. Paige the Democratic candidate?—A. Mr. Jenkins headed the Republican ticket, and Mr. Paige the Democratic.

4631. Q. And Mr. Paige received the starch-factory vote at that election, did he not?—A. I think he received a good share of it.

4632. Q. Can you positively name any person in the employ of the Oswego Starch Factory that spring who did not vote for Alanson S. Paige, to your own knowledge?—A. I don't know as I can name any.

4633. Q. Can you positively name any person in the employ of the

Oswego Starch Factory at that election who did not vote for Colonel Doyle when he ran for sheriff?—A. I cannot positively.

4634. Q. Did not the paper called the Press charge Kingsford, or his bosses, with intimidation of the starch-factory vote when Jenkins and Paige ran for mayor? Answer yes or no.

(Objected to as immaterial to the issues in this case, and paper best evidence. Notaries differ. Coon for exclusion of the answer; Green for admission.)

A. I think it did.

4635. Q. Do you not know that it did?—A. My recollection is that it did.

4636. Q. And was that paper not consolidated with the other Republican paper which was known as the Advertiser?—A. I think it was so understood.

4637. Q. In what business was you engaged the night previous to the election when Paige and Jenkins ran for mayor?

(Objected to as immaterial.)

A. Same business that I am now, starch-packer.

4638. Q. Were you not engaged in pasting the name of Alanson S. Paige, the Democratic nominee for mayor, over the name of Mr. Jenkins, the Republican candidate?

(Objected to; this evidence is incompetent, save only as affecting the character of the witness; and as it is no impeachment for any man to vote for Hon. Alanson S. Paige, a Jacksonian Democrat, Counselor Baker should not insist upon it as at all derogatory to the witness if true.)

A. I did not paste a ticket that night.

4639. Q. Was you present at any such pasting that night or in the morning of the election?

(Objected to as before. Notaries differ. Coon for exclusion.)

A. I was not.

4640. Q. Were you present at any such pasting by the bosses or foremen, or any number of them, that night or on the morning of election?

(Objected to; same in substance as No. 4639; immaterial, and only resorted to to use up contestee's time. Notaries differ; Coon for rejection and Green for admission.)

A. I was not.

4641. Q. Did you on that day use any Republican tickets with Paiges pasted on them?

(Objected to as before and immaterial; same ruling.)

A. I did.

4642. Q. And were tickets of that character used by yourself and the bosses of the starch factory at the polls that day?

(Objected to as immaterial and as before; same ruling.)

A. There was in the fifth ward, but as to the other wards I can't say.

4643. Q. And were you living in the fifth ward at that time?—A. I was.

4644. Q. Was not the reason why the starch-factory vote was cast for Murphy for alderman two and four years ago because there was no Republican candidate in the field?

(Objected to; witness so testified repeatedly; only trying to use up time. Notaries differ.)

A. That was the way I understood it.

4645. Q. Why did you not say so in your examination-in-chief when you was asked the question as to the starch-factory vote being cast for Murphy for alderman?

(Objected to; witness answers now as then touching the vote for Murphy by Republicans of the fifth ward and as before.)

A. If I did not state it on direct examination I should have stated it if I had thought of it.

4646. Q. Have you not heard the rumors and the common talk of the people about the starch factory intimidation of voters from the time that you came out of the service down to the present time?

(Objected to; all been gone over, and witness answered this morning there were such rumors till within two or three years.)

A. My impression is that there was no talk of intimidation nine years ago last fall when Doyle was elected; otherwise there has been more or less among Democrats.

(Contestant's counsel insists that the witness answer questions on cross-examination without qualifying his answers to the same; that the answers be only responsive.)

4647. Q. Was not the attack on Mr. Kingsford, which you claim to have been personal, through the columns of the Palladium, simply an attack upon the conduct of Mr. John J. Lamoree as to his conduct as district attorney and his careless drawing of an indictment against one of Mr. Kingsford's former employes, instead of a personal attack upon Mr. Kingsford?—A. I did not so understand it.

4648. Q. In what year was this attack made?—A. I think it was in 1872, or 1873, or 1874; don't remember exactly.

4649. Q. What was the man's name that was being prosecuted by an indictment?—A. Watkins.

4650. Q. He never was convicted, was he?

(Objected to as immaterial. Notaries differ; Coon for exclusion and Green for admission of evidence.)

A. Not that I know of.

4651. Q. Will you now say that the articles published in the Palladium were not articles reflecting upon the conduct of Mr. Lamoree, contestee's counsel, and then district attorney, in the matter of the indictment against one Watkins, an employé of Mr. Kingsford, instead of articles personal to Mr. Kingsford?

(Objected to as before. Same ruling. Green holding it material to test witness's credibility or veracity.)

A. Not the articles that I referred to the other day.

4652. Q. Do you refer to one or more? If so, give the date or dates and substance of the articles you refer to.

(Objected to as before. Same ruling.)

A. I can't give the dates or the substance of them. There was more than one article.

Adjourned to March 24, 1879, at 10 a. m.

March 24, 1879, 10 a. m., cross-examination of WILLIAM I. RASMUSSEN resumed by H. D. BAKER, counsel for contestant, J. B. ALEXANDER, Esq., appearing as attorney for contestee.

4653. Q. If you are unable to give the substance of either or any of the articles, why is it that you take the responsibility of swearing in your examination-in-chief that those articles were personal to Mr. Kingsford?—A. I said I thought they were.

4654. Q. Can you give me the substance of a single article or anything that was published in the Palladium, either as an editorial or as a comment, that led you to think that a personal attack was made on Mr. Kingsford?—A. Without the articles in question I can't give you the substance of them now.

4655. Q. I don't ask you to give the articles; I only ask you to give me in substance what article or articles there was which led you to the belief you have sworn to.—A. Can't give you the substance without the articles.

4656. Q. If your memory is so treacherous to you to-day that you cannot now give the substance of any of these articles, give me the substance as you recollected them on Monday last, when you testified in your examination-in-chief that you thought they were personal to Mr. Kingsford?—A. I thought then that I had read articles personal to Mr. Kingsford, and I think so still. I can't state the substance any further.

4657. Q. Mr. Watkins was arrested on July 29, 1873, was he not?

(Objected to as immaterial and incompetent and not a proper subject of cross-examination. Notaries differ. Coon for exclusion.)

A. I don't know.

4658. Q. Will you examine the files of the Daily and Weekly Palladium, now presented to you, under date of July 29, 1873, and state if you do not there find it recorded or published that he, Watkins, was then arrested?

(Same objection as before, and the files are not in evidence; and to examine the files will take a great length of time; and object is to consume time. Notaries differ. Coon for exclusion and Green for admission of testimony.)

Contestant's counsel says that the object of this cross-examination is, first, to test the witness's recollection; second, to make his eagerness to testify apparent on the record; third, that his recollection is a mistaken one; fourth, to show that the corporation called the Starch Factory went to the extent of controlling the grand jury for the purpose of securing the indicting of this man Watson.)

A. I will not.

4659. Q. Was your attention not called this morning by Mr. Baker, the counsel for contestant, to the fact that he had here for your inspection this morning the files of the Oswego Palladium for 1873 and 1874, in which you had claimed upon your examination-in-chief that articles personal to Thomson Kingsford had been published in the matter of the arrest of Mr. Watkins, one of his clerks, on the charge of embezzlement, and were you not then asked to examine and find the article or articles that were personal as claimed by you, or in substance that?

(Objected to as immaterial and improper. Notaries differ. Coon for exclusion and Green for admission of testimony.)

A. My attention was called to what Mr. Baker said was the files of the Palladium for 1873 and 1874, and asked me to examine them.

4660. Q. Did you not commence to examine the files with Mr. Baker this morning?

(Same objection as before. Same ruling.)

A. I did look over some files.

4661. Q. And was not Mr. J. B. Alexander, one of the counsel for the contestee, now present, then present, and did he not say to you that you did not know whether they were the files or not, or in substance that; and did he not further advise you that I could not compel or require you to make the examination; and after those remarks by Mr. Alexander did you not refuse to make any further examination?

(Same objection; same ruling.)

A. I did not know at that time that Mr. Alexander was counsel for the contestee. I did not consider that he was directing his conversation to me at all. I did not refuse to examine further on that ground of what Mr. Alexander said.

4662. Q. Did not Mr. Alexander so state in your presence, and that you could not be compelled to examine the files, before you refused to examine further; and did you not know him to be a Republican and an attorney at law?—A. He did so state. I suppose him to be a Republican and an attorney at law.

4663. Q. And is Mr. Alexander now present and acting as the attorney for the contestee in this cross-examination?—A. He is.

4664. Do you know one W. W. Scribner, who is employed at the Oswego Starch Factory?

(Objected to as immaterial.

Counsel offers this in connection with a proposition to show the power of this corporation in controlling courts and juries, as well as the politics of its employes, and offers, further, to show that W. W. Scribner was foreman of the grand jury that found the indictment against Watkins, and that said Scribner was a prominent and influential employé of the starch factory.

Objection renewed as immaterial and not a proper subject of cross-examination, and not been touched upon in direct examination. Excluded; objection sustained.)

4665. Q. What has become of David Davies, mentioned by you in your direct examination?—A. He is dead.

4666. Q. When did he die?—A. I think it was the spring or summer of 1874.

4667. Q. How long after Sweeney's discharge was it that you held this pretended conversation with Davies on that subject of Sweeney's discharge?—A. Something like a year afterwards.

4668. Q. Less than a year or over a year?—A. I think it was over a year.

4669. Q. And was there any conversation on politics or otherwise when this conversation occurred with reference to Mr. Sweeney?—A. I don't think there was.

4670. Q. Who was present at the time?—A. I don't remember that there was any one present but us two.

4671. Q. Was not W. R. Stewart present at this conversation?—A. I don't think he was.

4672. Q. Will you swear positively that he was not present in company with two common laborers?—A. I will swear that they were not.

4673. Q. Where did the conversation occur?—A. In my office.

4674. Q. Will you swear positively that no man has been discharged from the Oswego Starch Factory and the different branches of business connected therewith, such as the box factory and others, for voting the Democratic ticket?

(Objected to as vague and indefinite. Notaries differ. Coon for exclusion.)

A. I swear positively that I never knew of a man's being discharged for voting the Democratic ticket.

4675. Q. Same question repeated, to answer yes or no.

(Same objection; same ruling.)

A. Same answer as before. Witness refuses to give any other answer.

4676. Q. Why do you refuse to answer yes or no as requested?

(Objected to as immaterial. Notaries differ.)

A. For no other reason than I consider I have answered it.

4677. Q. In your examination-in-chief you swear that you saw a letter published by Chauncy Smith in the Palladium denying that he had been influenced that way, or words to that effect. Are you as positive now

as you were then that you saw that letter or any other letter published in the Palladium over the name of Chauncey Smith?—A. I didn't state positively then.

4678. Q. Will you now swear that you saw any such letter in the Palladium at all?—A. I stated before I thought I saw it in the Palladium; but I either saw it in the Palladium or the Times, one or the other.

(Counsel for contestant move to strike out the whole answer as not responsive, the question calling for a direct answer.)

4679. Q. (Question repeated.) Answer yes or no.—A. I give the same answer I did before. I decline to answer further.

4680. Q. Can you tell of your own knowledge, as contradistinguished from hearsay, what influence, if any, was brought to bear, or what inducements were held out to Chauncey Smith for the writing of that letter, if written by him at all?

(Objected to as improper, in assuming a fact not proven.)

A. I knew nothing about the letter in any shape or form until I saw it in the paper.

4681. Q. And you cannot swear positively that he did write such a letter, or caused the same to be published, can you?—A. I can swear that he told me he published the letter; that is all I know about it.

(Contestant's counsel moves to strike out the answer as hearsay, Mr. Smith having been upon the stand as a witness for contestee, and not having been interrogated on or sworn with reference to the said letter.)

4682. Q. Upon reflection, are you now willing to swear that the pretended letter of Chauncey Smith, spoken of by you, was published in any other paper than the Republican paper called the Times?—A. I could not swear whether it was or was not.

4683. Q. Can you swear that the letter was not an anonymous letter and not signed by the name of any person at all?—A. I cannot.

4684. Q. You have answered in your examination in chief that the political complexion of the fifth ward was decidedly Democratic, and this answer being without qualification, you may now give me the majorities by which the Democrats have carried the ward for the past five years, respectively.—A. I can't give the majorities, except the first year that the election was held in the new fifth ward. This was not in the last five years.

4685. Q. Can you give Paige's and Doyle's majorities in the fifth ward when they ran for mayor and sheriff, and received the starch-factory vote?—A. I can't give the majority for Paige. I think Doyle ran in the old third ward, not the fifth. I think Doyle had about three hundred majority in the old third ward.

4686. Q. You answer in your examination in chief that the so-called division in the Democratic party in the fifth ward tended to improve the chances of the Republicans of the ward when Murphy and Murray ran for alderman two and four years ago. If you are correct as to the division of the Democratic party, and there being two Democrats in the field, why did you not nominate a well-known Republican for alderman and throw the starch factory to his support, together with the other Republican votes of the ward, and elect your man?

(Objected to as immaterial, and it does not appear that the witness controlled the action of the Republican party. Notaries differ. Coon for exclusion; Green for receiving the testimony.)

A. I understood there was no Republican there who would take the office.

4687. Q. This fight that you speak of in the fifth ward between the

Democrats has been local on the question of ward representation, has it not?—A. I think it has.

4688. Q. In your examination in chief you have undertaken to swear that certain prominent Democrats, naming them, had refused to support Duffy for Congress, and supported Mason. Can you swear positively that Alanson S. Paige, Edwin Allen, Albertus Perry, Charles Rhodes, L. L. Kenyon, DeLoss DeWolf, and Charles T. Richardson, the persons named by you, that either, or any of them, voted for Mason against Duffy?—A. In the first place, I did not swear positively that these men did vote for Mason, and I can't now.

Adjourned to 2 p. p.

2 p. m., cross-examination of WILLIAM I. RASMUSSEN resumed by contestant's counsel.

4689. Q. Was Mr. Kingsford not a candidate for the position of Presidential elector in 1864?—A. He was. I voted for him.

4690. Q. Where were you when you voted for him?

(Objected to as immaterial.)

A. In Florida.

4691. Q. Do you know a man by the name of William Garrahan, who was running for assessor in the third ward one year ago?—A. I know his father, but don't know him.

4692. Q. Is his father's name not John Garrahan?—A. I can't say who his father is.

4693. Q. Is his reputed father's name not John Garrahan?

(Objected to on the ground that he does not appear to know the Garrahan inquired of.)

A. I don't know the man that is inquired about.

4694. Q. Was there not a man by the name of William Garrahan running for inspector on the Democratic ticket in the third ward one year ago this spring?—A. I don't know whether there was or not.

4695. Q. Will you swear there was not?—A. I will not.

4696. Q. Did you not attend the polls at the election one year ago this spring?—A. I did.

4697. Q. And who was the Republican candidates for inspector that spring?—A. I think it was Peter Mackin and Daniel M. Horton.

4698. Q. And who was elected?

(Objection to this line of cross-examination, that it was not gone into on the direct examination. Overruled.)

A. I think the two Republicans were elected, and who from the Democratic ticket I can't tell.

4699. Q. And you took an active interest in behalf of the Republican ticket that spring, did you not, as was your usual and ordinary course?—A. I was there and worked for the Republican ticket.

4700. Q. And has either or both Mackin and Horton, or either of them, been in the employ of Thomas Kingsford since last spring?—A. They have not been to my knowledge.

4701. Q. Have you not learned or understood that Mr. Mackin was employed at the new building being erected by Mr. Kingsford on the corner of West Seneca and First streets, and that he was so employed at the time of last fall's election?

(Objected to as immaterial, incompetent, and hearsay. Notaries differ.)

A. I have not heard that he worked there.

4702. Q. Did you not at the charter election of 1878, at the polls, say to a starch factory employé, in the presence of John Garrahan, the



father of Democratic candidate for inspector of elections, that he could not vote for Garrahan, but that he must vote a straight Republican ticket, or in substance that?

(Objected to as incompetent and immaterial, and does not affect the issue. Notaries differ. Coon for exclusion.)

A. I did not.

4703. Q. Did you not approach on that day a starch factory employé when he was standing talking with John Garrahan, and either he or Garrahan was fixing a paster on his ticket, and wanting to vote for William Garrahan, and asked the employé what he was doing, and when told by either Garrahan or the employé that he was pasting the ticket so he could vote for Garrahan's son, then told the employé that he could not so vote, but that he must vote the straight Republican ticket, or in substance that; and did you not then change his ticket and go with him up to the ballot-box and see that he deposited a straight Republican ticket, and was not this in the presence of William Garrahan and Dr. D. B. Cooley and others?

(Objected to same as before. Same ruling.)

A. I did not.

4704. Q. And at last fall's election was you not in attendance at the polls, and did you not distribute Republican tickets to starch factory employés, and especially tickets for Judge Mason?—A. I attended the polls in the third ward last fall and distributed Republican tickets, but not any more especially for Judge Mason than I did for the other candidates.

4705. Q. And was the Congressional ticket a separate ticket that year?

—A. It was.

4706. Q. And there was no difference last fall and in the several years preceding that as to the starch factory voters coming to the polls to vote, was there?—A. I know of no difference.

4707. Q. At what different places were you the day and night preceding election last fall?

(Objected to as immaterial and not a proper subject of cross-examination. Objection overruled.)

A. I was attending to my business; I was in my place of business in the factory and at my home; I don't know where I was in the evening.

4708. Q. Did you talk with any one on the subject of the election on the day or night preceding the election, and if so, who? Name all.

(Objected to unless with reference to the election.)

A. I don't know as I talked with anybody in particular.

4709. Q. Will you swear positively that you did not talk with some of the employés or bosses in the starch factory, or with Mr. Kingsford or some of his clerks, the night before the election, or the day before?—A. I will not.

4710. Q. Will you swear positively that you was not at the Times office the night preceding the election?—A. I will.

4711. Q. Where did you first obtain the tickets that you prepared, delivered, and distributed the day before, the night before, and on the day of election?—A. I did not see a ticket until the morning of election. I think I received them from the chairman of the ward committee.

4712. Q. And who was he?—A. I think his name was Richard Walpole.

4713. Q. And where was he employed last fall?—A. I think he carried on a business of his own. Don't know where he was employed last fall.

4714. Q. Will you swear that he was not in the employ of Thomson

Kingsford last fall, prior to and at the time of election ?—A. I will swear that I don't know anything about it.

4715. Q. (Question repeated.) Answer yes or no.—A. I can't swear that he was not.

4716. Q. How late did Alexander Leamon work in the starch factory or any of its branches connected therewith ?—A. I don't know.

4717. Q. Give me your best recollection on that subject.—A. To the best of my recollection it was six or seven years ago.

4718. Q. Is there a man employed in the scraping room of the starch factory, as a boss or otherwise, by the name of Cullen ?—A. There is.

4719. Q. Give his first name.—A. William.

4720. Q. He was discharged at one time, was he not ?—A. Not while I was at the factory.

4721. Q. Did you hear or did you learn of his being discharged ?

(Objected to as hearsay.)

A. I have heard that he was away from the factory for a time, but whether discharged or quit of his own accord I did not hear.

4722. Q. Will you swear positively that he was not discharged from the starch factory either because he threatened to vote the Democratic ticket or did vote the Democratic ticket ? Answer this question either yes or no.—A. I was not in the State at the time and don't know anything about it.

4723. Q. Where was you at the time ?—A. I was in the Army.

4724. Q. Who told you he had been away from the factory ?—A. My impression is he told me himself.

4725. Q. Do you know a man by the name of Brophy, either working there now or has worked there ?—A. I know there was a man worked there by the name of Brophy.

4726. Q. Was he not discharged ?—A. I don't know whether he was or not. I think he is at work there now.

4727. Q. Will you swear positively that he was not discharged at one time for voting the Democratic ticket ?—A. I don't know anything about it. He was not discharged to my knowledge.

4728. Q. Did you know of a man by the name of Michael Kelly, who worked at greasing machinery and in the box factory up to within the last two years ?—A. I don't remember such a man working there.

4729. Q. What year did you run for alderman ?—A. I think it was in 1871.

4730. Q. And did you not on that occasion go to the house of Thomas Kelly, on the night before election, a well-known Democrat, and try to induce him to take money from you to influence his vote in your favor and to use in your behalf and interest to secure votes for you at that time ?

(Objected to as immaterial. Notaries differ.)

A. I decline to state whether I did or did not, as it don't affect this issue in the least.

4731. Q. Do you ever drink anything, such as ale, beer, wine, or whisky, or any or either of them ?—A. I drink anything I want, if I can get it.

4732. Q. Do you not know it to be a fact that more or less of the bosses and foremen and employes of the starch factory drink ale, beer, wine, or whisky, more or less ?—A. What they drink I don't know anything about ; I have seen one drink lager.

4733. Q. Have you not heard that more or less of the employes and foremen and bosses drink ale, beer, wine, or whisky ?

(Objected to as hearsay and immaterial.)

A. I think I have.

Adjourned by stipulation of counsel for contestant and contestee to March 31, 1879, at 9 a. m.

On the 31st day of March, A. D. 1879, a further adjournment was had, pursuant to like stipulation, to Tuesday, April 1, at 9 a. m.

Cross-examination of WILLIAM I. RASMUSSEN continued.

4734. Q. Is it true that previous to election and since there was a bargain made between certain Republican politicians of this Congressional district that if Mason could get and retain his seat in Congress through the aid and assistance and labor of John J. Lamoree, contestee's counsel, he was to succeed Judge Mason in Congress, and that this corrupt agreement and bargain and conspiracy was made, and that you, together with the other starch-factory bosses and foremen, have knowledge of and are aiding and abetting Mr. Mason and Mr. Lamoree in furtherance of that bargain made and entered into prior and subsequent to the election, and that all respectable Republican politicians in the county have discovered that conspiracy, and that they, together with all decent people, have discovered that bargain and now wish that that conspiracy may fail?

(Objected to as trifling with the time of the court and immaterial. Notaries disagree.)

A. I never heard of any such a bargain; I don't know of any such bargain; I am not aiding and abetting any such bargain if there is one; I don't know of anybody that is; I don't know that any one has discovered it; I certainly have not.

4735. Q. Will you swear positively and beyond fear of contradiction that there was not such a bargain made and entered into? Answer yes or no.

(Objected to as being the same question as the previous question and already answered, and as trifling with the time of the court. Notaries disagree.)

A. I swear positively that I know nothing about any such transaction.

4736. Q. Prior to the time that you entered into the employment of the Starch Factory Company you kept a saloon in the city of Oswego, did you not, either as proprietor or barkeeper?

(Objected to that the counsel closed his cross-examination on the previous day, and requested the privilege this morning of asking only two or three questions, which he has already asked, and that further cross-examination, under the circumstances, ought not to be permitted. Notaries disagree; Coon for exclusion and Green for admission.)

A. I don't consider it any of your business whether I did or not, but I did keep a saloon.

4737. Q. Do you think a man who would enter into such a conspiracy as has been before spoken of, by which such men would be elevated to office, would be likely to own it when asked?

(Objected to same as before, and calling for opinion of witness, and improper, and irrelevant, and immaterial. Objection sustained.)

4738. Q. Do you think a man who would enter into a conspiracy to secure the election of a person to an office through fraud and corrupt means is credible of belief?

(Same objection as before. Notaries differ; Coon for exclusion and Green for admission of evidence.)

A. It would depend upon circumstances.

4739. Q. Would a party privy to such a corrupt agreement be likely to admit it if his attention were called to it?

(Same objections as before in question No. 4737. Objection sustained.)

4740. Q. Were you a party privy to such a corrupt agreement, would you be likely to admit it if your attention was called to it?

(Objected to on same grounds. Notaries differ; Coon for exclusion of the evidence.)

A. I might and I might not. It would depend upon circumstances.

4741. Q. Have you heard it said that money was given to one Burchard and John J. Lamoree for the purpose of buying votes, and that Mr. Lamoree, on the Sunday evening and Monday evening before election, visited nearly every saloon and house of ill-fame in the city of Oswego, where he was at all times welcome and familiar, and there paid money to his disreputable acquaintances in the interest of Mr. Mason, for the purpose of securing the election of Mr. Mason?

(Objected to same as to the other, and as a scandalous abuse of the right of cross-examination. Notaries disagree.)

A. I have not.

4742. Q. Have you heard any part of it or in substance that?—A. I have not.

4743. Q. Is Mr. Kingsford aware of the fact that you have been in attendance upon this court to testify on this matter?

(Same objection.)

A. He has.

4744. Q. Did you not on the last adjourned day of the taking of your deposition look over the testimony that you had given with Mr. Coon, the notary in behalf of Mr. Mason, and advise with him about your testimony and your re-examination, and pick out the number or numbers of the questions that you wished to be re-examined upon or explain? If yea, did you call the attention of Mr. Green, the other notary, to the same matter?—A. It was only in regard to one question that I thought I had been misrepresented, and it was merely to save time in hunting it up at the end of the examination. I wanted to find out what the answer was as recorded by the notaries. That is all.

Redirect examination of WILLIAM I. RASSMUSSEN by J. B. ALEXANDER, Esq., for Judge Mason, contestee:

4745. Q. Was this examination with Mr. Coon, that you have just spoken of, made in this room and in the presence of Mr. Baker, contestant's counsel, and immediately after the close of your cross-examination?—A. It was. I don't know whether Mr. Baker heard it or not. It was done openly.

Witness desires to qualify the answer to question No. 4482, and says that the answer should be: I think I saw the letter published by Chauncy Smith in the Palladium.

WILLIAM I. RASSMUSSEN.

Subscribed and sworn to before us.

S. M. COON, *Notary Public.*

WILLIAM W. GREEN, *Notary Public.*

*Deposition of James L. Quigg.*

JAMES L. QUIGG, being duly sworn, testifies as follows:

4746. Question. Give your name, age, residence, and occupation.—Answer. James L. Quigg; age is fifty years; reside in Oswego City, corner

of West Third and Van Buren streets, No. 16; have been a foreman for Mr. Kingsford about six years off and on. At present am not doing anything.

Adjourned to 2 p. m.

Met pursuant to adjournment.

4747. Q. How long have you resided in the city of Oswego?—A. About eight years, except one year in Texas.

4748. Q. Have you worked in the Oswego Starch Factory, or about it, during that time, or any portion of it?—A. Yes, sir.

4749. Q. How much?—A. About six years.

4750. Q. What doing?—A. I had charge of men blasting and coffer-damming.

4751. Q. Did you work on the new building on the corner of West Seneca and First streets last fall?—A. I did.

4752. Q. What doing?—A. Digging the foundation—in charge of a gang of men.

4753. Q. What are your politics?—A. I am a Democrat.

4754. Q. Whom did you support for member of Congress in this Congressional district last fall?—A. Mr. Duffy.

4755. Q. Did you vote for him?—A. I did.

4756. Q. Were you at work on the new building on election day?—A. Yes, sir.

4757. Q. How long did you work there previous to election day, and when did you stop working?—A. I think I commenced there September 30. I don't recollect just now when I did stop. I think it was in December; the fore part.

4758. Q. Were you among the last to stop work there?—A. Yes.

4759. Q. You have known Mr. Kingsford during these years that you have spoken of?—A. Yes, sir.

4760. Q. Who employed you this last fall?—A. Mr. Kingsford personally.

4761. Q. At the time he engaged you to work on this building was anything said on the subject of politics?—A. No, sir.

4762. Q. Or by him to you on that subject subsequently?—A. Never, to my recollection.

4763. Q. Were you during that employment requested by anybody in the employ of Mr. Kingsford to support the Republican ticket?—A. No, sir.

4764. Q. Were you in any manner coerced or intimidated, or threatened with any consequences, in case you did not support the Republican ticket or any of its candidates?—A. No, sir.

4765. Q. Did the question of politics enter at all into the question of your engagement or employment upon the work of that new building?—A. No, sir.

4766. Q. So far as you know did the question of politics at all enter into the engagement or employment of any of the men employed about that building?—A. No, sir.

4767. Q. Were you at any time during your employment about the starch factory compelled to vote or abstain from voting contrary to your wishes?—A. No, sir.

4768. Q. Do you know of any one during that time employed about the factory or in Mr. Kingsford's employment, personally, who was compelled to vote or abstain from voting contrary to his wishes?—A. I do not.

4769. Q. Do you know of any improper influence having been exerted

by Mr. Kingsford or any of his servants or agents or the servants or agents of the factory to induce men to vote or abstain from voting contrary to their wishes?—A. I do not.

4770. Q. Did you hear of Mr. Kingsford trying to induce any of the employes at work for him or under his direction, either at the new building or elsewhere, not to vote for Mr. Duffy and to vote for Mr. Mason?—A. No, sir; I did not.

4771. Q. Do you know of any pressure having been brought to bear upon any of those employes to affect them in their political action last fall?—A. I do not.

4772. Q. How many men did you have under you in your gang?—A. From five to twenty-five. It varied some.

4773. Q. Do you know what their politics were?—A. No, sir; I do not.

4774. Q. You are not at work for Mr. Kingsford now?—A. No, sir.

4775. Q. Have you any engagement to go to work for him hereafter?—A. Not for certain.

4776. Q. You are expecting to go to work elsewhere, are you not, soon?—A. I am.

4777. Q. Did you hear Democrats talk about Mr. Duffy last fall?—A. No, sir.

Cross-examination of JAMES L. QUIGG by H. D. BAKER, Esq.:

4778. Q. You are not a starch-maker, are you?—A. I am not.

4779. Q. And you do not wish to be understood as saying that you are an employe of and worked in the starch factory proper, do you, in the making of starch?—A. Not in starch-making.

4780. Q. You were not a regularly employed hand, were you, in the starch factory proper?—A. No.

4781. Q. You are an expert stone quarryman, are you not, by trade?—A. I am.

4782. Q. And your employment by the starch factory company of Kingsford has not been a steady employment for the past six or eight years, has it?—A. Not altogether steady.

4783. Q. And you do not and have not for the past six or eight years worked as a common laborer in stone-quarrying, have you?—A. I have not.

4784. Q. And has not Mr. Kingsford known you either as a contractor or as an expert workman at your trade during that time, and as demanding higher wages than an ordinary quarryman or laborer?—A. He has.

4785. Q. By whom were the men under your charge employed and paid in building and repairing the coffer-dams?—A. I think Mr. Sayers a part of the time, and Mr. Hall a part of the time hired them. They were brought up and paid by the cashier singly and not paid by me.

4786. Q. And you cannot say of your own knowledge, then, what the terms and conditions of their employment was, and whether it affected their elective franchise or not?—A. I cannot.

4787. Q. Were the parties by whom they were employed bosses and foremen in the starch factory and under the management and control of Thomson Kingsford?—A. I should say they were.

4788. Q. And did not the same rule prevail in the employment and payment of the men on the new building, corner of West First and Seneca streets, last fall in the employment of men under your charge?—A. Not exactly. Mr. Kingsford paid those men himself. Mr. Sharp was the walking boss and he employed the men that Mr. Kingsford paid.

4789. Q. And you cannot say what terms and conditions these men

were employed on by Mr. Sharp as affecting their elective franchise, or what influence he or other persons brought to bear on them at the last election to affect their votes?—A. I know nothing about that at all. Can't say.

4790. Q. Mr. Sharp is known as a Republican, is he not, and have you not heard him spoken of as such?—A. I know him to be a Republican, but have never heard him spoken of as one.

4791. Q. And do you know in what ward or wards the body of the laboring men of that building resided at the time of the last election? If you answer yea, was it not in the fifth and seventh wards?—A. I don't know anything about the wards they lived in, where the heft of them belonged.

4792. Q. Is it not true that Mr. Sharp is a resident of the fifth ward of the city of Oswego and that he was absent from that building the major portion of last fall's election day?—A. I certainly can't say that he was absent the major portion of that day, and, as far as the ward is concerned, I can't tell whether he lives in the fifth or seventh.

4793. Q. How many men were under your charge election day?—A. I should judge about a dozen.

4794. Q. Did you instruct them to go and vote that day?—A. I did not. I gave them the privilege.

4795. Q. And did you have any instructions, as a foreman, to have the men go and vote; if so, from whom?—A. Mr. Sumner came to me and told me to let the men go and vote now, any of them and all of them that were voters.

4796. Q. And Mr. Sumner was a boss in the starch factory proper, as you understood, was he not?—A. As I understand it, he is.

4797. Q. And was at the time of the last election, was he not?—A. I understand it so.

4798. Q. In what year were you first employed in the starch factory?—A. In 1871.

4799. Q. Was your employment in the starch factory proper or in some outside employment?—A. In building the new factory.

4800. Q. And were you discharged, and if so, when?—A. When I got through the quarry I was discharged. I think about the last of November of that same year.

4801. Q. Were you subsequently employed and discharged; and if so, when?—A. I was employed again the latter part of December, the same year, 1871, and discharged, I think, the next September.

4802. Q. Follow the date of your employment and discharges, up to last fall.—A. I think I went to work again in October or November, 1872. I think I worked then until the next July, 1873. Then I quit of my own accord—am not certain of the year, but quit and went to finish up the high dam for Belden, Dennison & Company. I got through there about the first of December. Then I laid still until February, I guess—in 1875, I guess. Then I went to work cutting ice for Mr. Kingsford (filling the ice-house). I worked then until about May. Then I went to work for the Delaware, Lackawanna and Western Railroad Company. I worked then until about the last of August, in 1876, I think, as near as I can recollect the dates. I went to work again for Mr. Kingsford about September some time, at the coffer-dams in the race, until about the last of September. I quit again of my own accord and went to Texas, the State of Texas—Richmond, Texas. I staid about one year in Texas. I came back, I think, in October, 1877, and took hold of any work I could get, until the last day of last September. I then went to work

again for Mr. Kingsford, on the last day of September. That is about as near as I can give the dates.

4803. Q. Was Mr. Charles Baker one of the bosses or foremen in the starch factory while you were there employed?—A. He was.

4804. Was Mr. Davies one of the bosses?—A. He was.

4805. Q. At any time during your employment either in the starch factory or under Thomson Kingsford was or was it not inquired of you as to your political predilections and what they were; and was it not suggested to you, either by Davies, Baker, or some other person there employed, that, if you wanted to stay in the factory or in that employ you had better change your politics, or in substance that?—A. I don't recollect any such thing.

4806. Q. Was there any such thing being said about the starch factory employes?—A. Not by the starch factory men.

4807. Q. Was it said by any one?

(Objected to as improper and immaterial and irrelevant. Notaries disagree. Coon for exclusion.)

A. Mr. Valentine Sayles said to me one time, "Now, you are fast, old fellow; you'll have to change your politics if you stay there."

4808. Q. Do you know Hon. John B. Higgins and also Charles Baker, one of the bosses in the starch factory?—A. I do.

4809. Q. Do you not recollect of Charles Baker, one of the foremen in the starch factory, stating to you after your employment that if you wanted to stay in the starch factory you had better change your politics, or words to that effect?

(Objection to the above question as not sufficiently explicit as to time or place.)

A. I don't recollect any such conversation.

4810. Q. Will you swear positively that he did not make a suggestion to you to change your politics if you wanted to stay in the factory, or something to that effect?—A. I can't swear, because I don't recollect.

4811. Q. Will you swear that you did not tell the Hon. John B. Higgins in private conversation that Baker had made that suggestion?—A. I will not swear, because I don't recollect.

4812. Q. Will you swear that no one in the starch factory did at any time make any suggestion to you to vote the Republican ticket as a safeguard to your employment, or in substance that?

(Objected to as not being sufficiently explicit as to time and place.)

A. I don't recollect any such conversation.

4813. Q. Will you swear positively that no such suggestion was made to you? Answer yes or no.

(Objected to same as before and also as to time, place, or person.)

A. No.

4814. Q. At the time of last fall's election you resided in the first ward, did you not?—A. I did.

4815. Q. How many employes of the starch factory proper, outside works, and new building resided in that ward?—A. I don't know of but myself and another man for certain.

4816. Q. And at last fall's election did you see any of the starch factory bosses, foremen, or employes attending the polls in the first ward; and, if so, who?—A. I don't know that I saw any of them attending the polls only to vote. I saw none of the bosses. I saw John Long there from the starch factory machine-shop. I staid there only to vote.

4817. Q. And do you know John Long's politics?—A. I do not.

4818. Q. Do you know how long he has been in the employ of Mr.



Kingsford ?—A. I have seen him there, I should think, some seven or eight years.

4819. Q. From your acquaintance with him and from your knowledge of the man and his employment and the length of time he has been employed by Mr. Kingsford, do you not believe him to be a Republican ?—A. I should believe him to be a Republican, but don't know.

(Contestant's counsel moves to strike out that part of the answer "but I don't know" as not responsive.)

4820. Q. And is he a resident of that ward ?—A. I don't know..

4821. Q. Do you know on what street he resides ?—A. I do not.

4822. Q. When were you subpoenaed to appear as a witness in this case ?—A. On the 10th of last month.

4823. Q. To appear on what day ?—A. To appear on the same day.

4824. Q. By whom were you subpoenaed, and how much money did you receive ?—A. By Samuel Snody. Seventy-five cents.

4825. Q. Snody is errand-boy or messenger for Lamoree, is he not ?—A. It looked so to me.

4826. Q. How many days have you been in attendance ?

(Objected to as immaterial, and as trifling. Notaries disagree. Coon for exclusion.)

A. I have been in attendance every day but one that the examination has been in progress.

4827. Q. Was there any promises or hope of reward held out to you to-day that caused you to testify to-day, after you declined to testify ?—A. Yes ; Mr. Rassmussen and Mr. Snody said if they were in my place they would testify, and thought I would get my pay.

4828. Q. Mr. Rassmussen has been sworn in this case as a witness in behalf of contestee ?—A. He has been sworn here, but I can't say in whose behalf.

4829. Q. Do you not know or do you not believe that he was a witness in behalf of Mr. Mason ?—A. I believe him to be, but don't know.

4830. Q. In whose behalf are you called as a witness ?

(Objected to as foolish and trifling.)

A. Mr. Mason's, I expect.

4831. Q. And are you not called as a witness on the same side that Mr. Rassmussen was called ?

(Objected to as improper and trifling.)

A. I expect he is on the same side.

4832. Q. And was not Mr. Rassmussen desirous that you should testify ?

(Objected to as before, and immaterial.)

A. Yes.

4833. Q. And at the time that he was desirous that you should testify, did he not give you to understand that your witness fees should be paid to you ?

(Same objection as before, and already answered.)

A. He said he thought there would be no trouble about it.

4834. Q. And up to this time you have not received your fees either from Kingsford, Rassmussen, Lamoree, or Mr. Alexander ?—A. I have not.

JAMES L. QUIGG.

Subscribed and sworn to before us April 1, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

*Deposition of Thomas Gill.*

THOMAS GILL sworn, and says:

4835. Question. What is your full name, age, residence, and occupation?—Answer. Thomas Gill; age is twenty-nine this month; residence, third ward, between Utica and Mohawk, on Ninth street, Oswego; occupation, a mason.

4836. Q. How long have you lived in this city?—A. Twenty-nine years, with the exception of about a year and a half.

4837. Q. You know Thomson Kingsford?—A. Yes, sir.

4838. Q. Have you ever worked in the Oswego starch factory?—A. Yes, sir.

4839. Q. When did you begin work there?—A. About nine years ago.

4840. Q. And how long have you worked there?—A. Part of every summer since; that is, most every summer.

4841. Q. Were you at work on Kingsford's new building on corner of West First and Seneca streets, last fall?—A. I did.

4842. Q. When did you begin?—A. I think it was about the middle of October.

4843. Q. Who engaged your services?—A. Mr. Kingsford. I had been working for him since August; at the first on his farm, then on this building.

4844. Q. When did you stop working for him?—A. I think it was about the 10th of December.

4845. Q. Did you work there as long as any one worked?—A. Worked until the frost and snow knocked us off.

4846. Q. What are you doing now?—A. Am not working now.

4847. Q. Have you any engagement with Mr. Kingsford now?—A. No, sir.

4848. Q. When Mr. Kingsford employed you last year, was anything said to you by him on the subject of politics?—A. No, sir.

4849. Q. Did he say anything to you on that subject subsequent to that engagement?—A. No, sir.

4850. Q. Has he at any time, ever, said anything to you on that subject?—A. No, sir.

4851. Q. What are your politics?—A. Democrat.

4852. Q. For whom did you vote for member of Congress in this district last fall, if for any one?—A. Mr. Duffy.

4853. Q. Was any attempt made by Mr. Kingsford, or any one in his employ or under his direction, to compel you to vote for Mr. Mason?—A. No, sir.

4854. Q. How long have you been a Democrat?—A. Ever since I was entitled to vote.

4855. Q. Has Mr. Kingsford or any one in his employ, or under his direction, at the Oswego starch factory, or elsewhere, at any time since your first employment by Mr. Kingsford, attempted to compel you to vote contrary to your wishes?—A. No, sir.

4856. Q. Have you known Mr. Kingsford, or any one in his employ or under his direction at the starch factory, or elsewhere, attempt to compel any employee of Mr. Kingsford or the factory to vote contrary to the wishes of such voter?—A. No, sir.

4857. Q. At any time has the question of politics been taken into consideration or discussed upon your employment by Mr. Kingsford, either for himself personally or for the factory?—A. No, sir.

4858. Q. Did you hear the question of Mr. Duffy's candidacy discussed last fall by Democrats?—A. Not very much.

4859. Q. Anything said by them on any occasion about his Greenback proclivities?—A. I could not say positively.

4860. Q. Did you hear Democrats objecting to vote for him on the ground that he was a Greenbacker?

(Objected to as improper, incompetent, and immaterial. Question should be as to the actual occurrence.)

A. I think I did.

Adjourned to April 2, 1879, at 9 a. m.

April 2, 1879.—The direct examination of this witness being closed, H. D. BAKER, esq., counsel for contestant, cross-examines witness THOMAS GILL as follows:

4861. Q. What is your name in full?—A. Thomas Gill; no middle name.

4862. Q. How long have you worked at the trade of a stonemason?—A. About nine or ten years.

4863. Q. Under whom, where, and when did you learn the trade?—A. I served my time with John Smith & Co., in the city of Oswego. Think in 1869 that I begun, and served three years in learning my trade, and worked one year under instructions afterwards.

4864. Q. And you was a master-mason last fall when you were at work on Kingsford's new building, were you not?—A. I was an expert workman.

4865. Q. And you commanded higher wages than ordinary laborers, did you not, last fall?

(Objected to as immaterial and irrelevant.)

A. I did.

4866. Q. By whom were you employed on that building?—A. By Mr. Kingsford.

4867. Q. When did you first go to work there?—A. I think about the middle of October.

4868. Q. Who was the time-keeper over you?—A. Mr. Sharp, I think, was general time-keeper—James Sharp.

4869. Q. Who was your immediate boss or foreman?—A. John Ratigan.

4870. Q. And James Sharp had the immediate control and management of the laborers, outside of skilled mechanics, on that building, did he not?—A. I think he did of part of them.

4871. Q. Will you say that he did not of all of them?—A. My opinion is he did not of all of them; I don't know.

4872. Q. When did you cease work on that building?—A. About the 10th of December.

4873. Q. You do not know of your own knowledge what terms or conditions were imposed on the common laborers on that building, when they were employed, as the conditions of the employment?—A. I do not.

4874. Q. And you will not say that, at the time of their employment, nothing was said to them by Mr. Kingsford or Sharp about their elective franchise—either at the time of their employment, either intermediate their employment and election day, or on election day?—A. I don't know; I can't say.

4875. Q. You have never been employed as a starch-maker in the starch factory proper, under Mr. Kingsford, have you?—A. Not as a starch-maker.

4876. Q. Can you answer as to whether common labor was scarce or

abundant in the city of Oswego last fall prior to election?—A. I think there was a good many men wanted work.

4877. Q. When were you subpoenaed in this case?—A. I was subpoenaed to appear here the 13th of March; think the subpoena was served the 9th.

4878. Q. Have you been here in attendance at this court since that time?—A. Yes, sir; when court was in session.

4879. Q. Have you been subpoenaed more than once?—A. No.

4880. Q. Your subpoena did not direct you to remain from day to day, did it, until you were examined or otherwise discharged?

(Objected to as immaterial and that the subpoena is best evidence.)

A. I don't know.

4881. Q. Have you that subpoena with you; and, if so, will you produce it?

(Objected to as immaterial and trifling. Notaries differ; Coon for exclusion, Green for admission of evidence.)

A. I think I have got it with me.

(Witness produces subpoena for Counselor Baker's inspection.)

4882. Q. Read that subpoena and state whether you are required to appear from day to day or only whether you are required to appear on one day.—A. For the 13th of March, at nine o'clock. I supposed I was to attend from day to day.

4883. Q. Have you received your fees for attending from day to day, as you have appeared from the 13th to the present time?—A. I did, part of it. I think I have got \$4. I did not get seventy-five cents every day I came here.

4884. Q. When did you receive the \$4?—A. I don't remember the day.

4885. Q. Did you receive it all at once?—A. No.

4886. Q. Are you acquainted with W. I. Rassmussen, of the starch factory?—A. I am.

4887. Q. And did he not on yesterday advise you to be sworn before your fees had been paid, or represent to you that your fees would be paid, or in substance that?

(Objected to as immaterial.)

A. He did not.

4888. Q. He was desirous that you should testify, was he not?

(Objected to as before. Coon sustains the objection.)

A. I don't know whether he was or not.

4889. Q. What did he say to you about testifying, or about your fees?

(Same objection.)

A. He did not say anything about my fees.

4890. Q. Was anything said by Rassmussen, in your presence or hearing, about witnesses testifying in behalf of Mr. Mason and about payment of the fees?

(Objected to as before, and consuming time. Coon sustains the objection.)

A. He said he thought he would get his own. Yes, there was something said.

4891. Q. Did not Mr. Rassmussen advise or suggest, in your presence or hearing, that the witnesses be sworn, and say that he thought it would be all right, that they would get their fees, or in substance that?

(Objected to as improper; that the whole conversation should be given.)

A. I did not hear him say so.

4892. Q. Did you not understand, from the conversation of Rassmus-

sen that you heard, that he was desirous that the witnesses should testify?—A. What I heard, I did not think so.

(Contestee's counsel objects to further cross-examination of the witness on this subject as trifling and an abuse of the right of cross-examination. Coon sustains the objection.)

4893. Q. Did you hear all the conversation between Rassmussen and Quigg?

(Objected to as before. Coon sustains the objection.)

A. I did not.

4894. Q. Have you received any promises of your pay from either Rassmussen, Samuel Snody, or any one else; and, if so, from whom and when?—A. From Mr. Alexander; not from any one else. Snody said he thought I would get it. Alexander's promise was last Monday, I think. Mr. Alexander said he would pay me for my time spent while he was here.

4895. Q. Do you expect to go to work upon that new building again, or are you desirous of obtaining work there again or under Mr. Kingsford?

(Objected to as immaterial.)

A. I don't know; I am not desirous of obtaining work from Mr. Kingsford again if I can do any better.

THOMAS GILL.

Sworn to and subscribed before us.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

*Deposition of Patrick Kelly.*

PATRICK KELLY, being duly sworn April 2, 1879, testified as follows:

4896. Question. Give your full name, age, residence, and occupation.—Answer. Patrick Kelly; 46 years of age; residence 376 East Second street, eighth ward, city of Oswego; occupation, a stone mason.

4897. Q. Do you know Mr. Thomas Kingsford?—A. Yes, sir.

4898. Q. Have you worked for him ever, or for the starch factory?—A. Yes, sir.

4899. Q. When did you begin?—A. In 1863, I think it was.

4900. Q. And how long have you worked for him or the factory?—A. I have worked off and on since that. I have worked on pretty much every building they have put up since that.

4901. Q. Did you work on the new building last fall corner of West Seneca and First streets?—A. Yes, sir.

4902. Q. When did you begin?—A. Don't remember exactly. They had been working there a week before I commenced.

4903. Q. Who engaged you to work there?—A. Mr. Kingsford.

4904. Q. When did you stop work?—A. When all hands were knocked off; don't recollect the date.

4905. Q. When you were employed by Mr. Kingsford last fall, was anything said by him to you on the subject of politics?—A. No, sir.

4906. Q. Or was anything said to you by him subsequently to that engagement on that subject?—A. No, sir.

4907. Q. Was any attempt made by him, or any person or persons under his employ or direction, to constrain you to vote against your wishes?—A. No.

4908. Q. Do you know whether any one was interfered with by him or by any one under his employ or by his direction in the matter of voting? and if you do, state what you know about it.—A. Not to my knowledge.

4909. Q. Have you ever known him to compel or attempt to compel any one to vote contrary to such voter's wishes on any occasion since you have first known him?—A. Not to my knowledge.

4910. Q. What are your politics?—A. I am a Democrat.

4911. Q. How long have you been so?—A. Since I first was a voter. I split my ticket on a few occasions.

4912. Q. For whom did you vote for member of Congress in this district last fall?—A. Mr. Duffy.

4913. Q. Were you requested by any one about the building where you were employed to vote for Mr. Mason and against Mr. Duffy?—A. I was not.

4914. Q. Was the subject of politics much discussed among the workmen about that building last fall?—A. I did not hear it much discussed. Not many working where I was.

4915. Q. Did you know of any special effort being made there among the workmen to secure the election of Mr. Mason to Congress?—A. No, sir; I did not.

4916. Q. At what time of day did you vote, or leave your work to vote, if you did?—A. I think it was half past eleven in the forenoon.

4917. Q. Under what circumstances did you go to vote?—A. Mr. Philip P. Turner, the foreman, said for us to knock off at half past eleven and go to vote, and be back at one o'clock.

4918. Q. You were not boss of a gang of men, were you?—A. No, sir; I was not.

Cross-examination of PATRICK KELLY, by H. D. BAKER, contestant's counsel:

4919. Q. How long have you worked as a boss mason or master mason?—A. I don't know as I ever worked as a boss mason; I worked as a journeyman mason, and have worked as a journeyman mason about twenty-six years.

4920. Q. And during that time you have commanded a mason's pay, have you not?—A. When I worked at mason-work I have.

4921. Q. And last fall you were employed as a mason and not as a common laborer on Kingsford's new building, were you not?—A. I was employed as a mason and not as a common laborer.

4922. Q. Have you ever been employed as a starch-maker in the starch factory under Mr. Kingsford?—A. No, sir; I never was.

4923. Q. Who kept your time upon that building?—A. I believe Mr. James Sharp.

4924. Q. That building was commenced in the fall, was it not?—A. Yes.

4925. Q. And a large force of men was employed on that building, was there not?—A. There was.

4926. Q. And that force was discharged before the building was completed, was it not, last fall?—A. I think there was a part of them discharged. All of them were discharged before the completion of the building.

4927. Q. And there was a portion of them discharged soon after the election, was there not?—A. I think there were some laborers discharged.

4928. Q. To the best of your judgment, about what number?—A. I could not tell.

4929. Q. You cannot say that nothing was said to the common laborers either at the time of their employment or subsequently, or on the day of the election, that nothing was said as to how they should vote, either by Kingsford or Sharp, or any other person in the employ of Mr. Kingsford?—A. I can't say.

4930. Q. Did you see any starch factory bosses at the polls in your ward on last fall's election day, either standing there or distributing tickets; and, if so, who?—A. None to my knowledge.

4931. Q. What Republicans did you see at those polls when you went to vote distributing tickets or taking part in the election?—A. I don't think I staid there over ten minutes, and Mr. Charles North, the tannery-man, was the only one I took notice of being there.

4932. Q. What starch factory bosses reside in your ward?—A. I don't think there are any; I don't know of any.

4933. Q. How long have you resided in that ward?—A. Think I am there between six and seven years.

4934. Q. Do you know Calvin S. Sumner, a starch factory boss or foreman?—A. I know him by sight, but don't know that I ever spoke to him.

4935. Q. Did you see him at this new building either on the day of election or the day before?—A. I did not to my knowledge.

4936. Q. Do you expect employment in the future on that building or from Mr. Thomson Kingsford?

(Objected to as immaterial.)

A. I have no expectation of going to work for him no more than I have for you.

4937. Q. Is the stonemason work all completed on that building?—A. Yes, sir.

4938. Q. You have frequently been in the employ of Mr. Kingsford as a stonemason, have you not?—A. I have.

4939. Q. And you anticipate and expect to have further employment at his hands in the future?—A. No, sir.

4940. Q. How many Republicans did you vote for last fall?—A. I think I voted for two.

Redirect examination of PATRICK KELLY, by J. B. ALEXANDER, Esq.:

4941. Q. What was the reason that force was discharged from the new building last fall when it was, and before the completion of the new building, if you know?

(Objected to; witness not shown competent to speak.)

A. I don't know.

4942. Q. Was not the weather such that the men could not work there any longer at the time you were discharged?—A. I think he said he would stop work until the weather got more favorable; think Mr. Kingsford said so.

4943. Q. Did you hear of any one being discharged from that building for political reasons?

(Objected to as reopening the examination in chief, and that the same question has been asked before of this witness.)

A. I did not.

Adjourned to 2 p. m.

Met pursuant to adjournment.

Redirect examination of PATRICK KELLY continued:

4944. Q. You spoke of some of the men having been discharged shortly after the election; do you know why they were discharged then?—A. I do not.

4945. Q. Do you know of any one who was discharged before the particular work on which he was engaged was completed?

(Objected to as immaterial.)

A. I don't know of any one.

Recross-examination of PATRICK KELLY.

4946. Q. You do not pretend to be able to say or wish to be understood as saying that none of the common laborers were discharged from that building before their particular job was completed, do you?—A. I say I don't know.

4947. Q. And you know nothing about the reasons or causes of the discharge of the men further than by observation that you observed a large number or quite a number had been discharged after election.—A. I don't know anything about the cause.

Second redirect-examination of PATRICK KELLY:

4948. Q. About how many of those men were then discharged?—A. I don't know.

4949. Q. Can you give the names of any of them?—A. No, sir.

4950. Q. Was there anything about the manner of their discharge that you observed or knew of that led you to suppose that the election had anything to do with it.

(Objected to as calling for the supposition of the witness and not for the fact or knowledge.)

A. Nothing, sir.

Second recross-examination of PATRICK KELLY:

4951. Q. You know nothing of your own actual knowledge about the discharge of these men so as to enable you to say for what they were discharged, or to enable you to suppose why they were discharged, whether for political reasons or not.—A. No, sir.

PATRICK KELLY.

Subscribed and sworn to before us, April 2, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

*Deposition of John Cody.*

JOHN CODY, called and sworn, April 2, 1879:

4952. Question. What is your name in full, age, residence, and occupation.—Answer. John Cody; age 57 the 25th day of next June; residence on First street, eighth ward; occupation a common laborer.

4953. Q. How long have you lived in the eighth ward?—A. Since it became the eighth ward.

4954. Q. Do you know Thomson Kingsford?—A. Yes, sir.

4955. Q. Ever worked for him?—A. Yes, sir.

4956. Q. What doing?—A. Well digging; the first work.

4957. Q. What else have you done for him?—A. Laboring work in a quarry.



4958. Q. How long have you worked for him?—A. I could not say how long.

4959. Q. Did you work on the new building last fall on the corner of West First and Seneca street?—A. Yes, sir.

4960. Q. Who engaged you to work there?—A. Mr. Kingsford himself employed me.

4961. Q. At what time did you begin work there?—A. I could not say exactly; it was on Friday either the fore part of October or last of September; I could not tell which.

4962. Q. When did you stop work there?—A. In the fore part of December.

4963. Q. Did Mr. Kingsford say anything to you about politics when he hired you?—A. No, sir; he did not.

4964. Q. Has he ever talked to you on the subject of politics or how you should vote?—A. Not that I know of.

4965. Q. Was anything said by him or by any of the foremen on that new building job about the manner in which you should vote?—A. No, sir; nothing to me.

4966. Q. Did you hear anything of that sort said to any laborer there or employé?—A. Not that I could recollect.

4967. Q. Was the subject of politics much discussed there during the progress of the work?—A. I did not hear it between anybody.

4968. Q. Has Mr. Kingsford at any time sought to control your political actions?—A. No, sir.

4969. Q. Have you worked about the factory at any time?—A. I have not worked inside about the starch; but have worked outside.

4970. Q. Has any of Mr. Kingsford's foremen or bosses sought to control your political action at any time?—A. No, sir.

4971. Q. Have you ever known the subject of politics made a matter of consideration in the employment of men by Mr. Kingsford or for the factory?—A. I never seen anything of it.

4972. Q. Could you tell about how many common laborers were employed about the new building?—A. I could not.

4973. Q. What did you do on that work?—A. I did most everything the boss set me at; I drilled, plugged, and feathered.

4974. Q. Did you know of any one being discharged from that work on political grounds?—A. Never.

4975. Q. Do you remember of any common laborers being discharged before you was?—A. Yes, sir; there were considerable gangs discharged before I was.

4976. Q. Do you know why they were discharged?—A. No, sir.

4977. Q. Or when they were discharged?—A. No, sir.

4978. Q. Did you ever suspect that politics had anything to do with their discharge.

(Objected to as incompetent and improper, and suspicion is not evidence.)

A. No, sir; I did not know anything about it.

4979. Q. What was the occasion of your discharge?—A. The bad weather would not let us work any more. That is what Kingsford said; we would adjourn until better weather.

Cross-examination of JOHN CODY:

4980. Q. Where was you born and in what year?—A. I was born in Ireland, I believe in 1822.

4981. Q. When did you come to this country?—A. I came in 1842.

4982. Q. Have you ever been naturalized?—A. Yes, sir.

4983. Q. Where and when?—A. In Oswego, I believe in 1849.

4984. Q. By whom?—A. John Hugunin made out my papers.

4985. Q. When were you subpoenaed to appear, and on what day were you to appear?—A. I could not tell when. I came the day I was subpoenaed.

4986. Q. How many days in all have you been in attendance on this court?—A. This makes twice I came here.

4987. Q. How much money have you received and when did you get it?—A. Seventy-five cents. Sam. Snody gave it to me when I was subpoenaed.

4988. Q. Was there any paper served upon you to-day or any money paid you?—A. No, sir; he came for me.

4989. Q. Then you appeared here as a witness without your pay, and was sworn without your pay for to-day?—A. Yes.

4990. Q. Have you worked regularly from year to year in the starch factory for Mr. Kingsford?—A. No, sir.

4991. Q. You may commence at the date of your first employment and give me the dates of your employments and discharges, and what labor you was performing down to the time you were discharged last fall?—A. First work, digging a well; certainly sixteen years ago; can't give the exact time; it was in the fall, and was discharged the same fall when the job was finished. I went to work next drilling holes in the factory wall; can't say whether one or three years afterwards. I worked around in the factory at laboring work from some time in January till April; I left there then. The next was well-digging again; could not say how long after the other work; ten or twelve years from now; quit again when the work was done. The next was well-digging again, some years after that; can't tell how long; when he had a well to dig he sent for me to dig it. The next was quarrying stone for the new starch factory building; could not say when, whether eight or ten years ago; worked till the building was finished, worked at it part of two years. Worked for him again last fall at this new building on West First and Seneca streets.

Adjourned to April 3, 1879, at 9 a. m.

Met pursuant to adjournment, and on account of sickness of contestee's counsel adjourned to 2 p. m.

2 p. m. Met pursuant to adjournment and adjourned to April 4, 1879, at 9 a. m.

April 4, 1879. Met pursuant to adjournment.

Cross-examination of JOHN CODY:

4992. Q. What year did you first vote?—A. In the fall of 1849, I think.

4993. Q. Who were you working for that year?—A. For John B. Edwards.

4994. Q. For whom did you vote, for what offices were the persons running for, and what ticket did you vote, the first time?—A. I could not swear what President was going in at that time or who were the officers. I voted the Democratic ticket.

4995. Q. If you cannot tell for whom you voted how can you tell that you voted the Democratic ticket?—A. I did know at the time who I voted for, but disremember them now. I knew at the time that Democrats were on my ticket.

4996. Q. Could you read at the time?—A. No.

4997. Q. Did you vote the first year you worked for Kingsford?—A. I did, sir.

4998. Q. And that was in the fall of 1864, was it not?—A. I could not say; it was sixteen or eighteen years ago.

4999. Q. For whom did you vote that year?—A. I could not say who the man was.

5000. Q. But you did vote for Thomas Kingsford for Presidential elector in 1864, did you not?—A. No, sir.

5001. Q. Do you recollect of his being a candidate for Presidential elector in 1864?—A. No, sir; I do not.

5002. Q. Was you in the employ of Kingsford in 1864?—A. I could not say.

5003. Q. Have you not already so sworn?—A. I don't know, sir.

5004. Q. Will you now swear positively, and beyond fear of contradiction, that you were not in the employ of Kingsford in the fall of 1864, and did not vote for him for Presidential elector?—A. I could not say whether I worked for him in the fall of 1864. I did not vote for him for Presidential elector.

5005. Q. When was you discharged from Kingsford's employ first after the fall of 1864, or during the fall?—A. I could not say.

5006. Q. Is it not true that you were discharged a few days after the election in the fall of 1864?—A. I was not.

5007. Q. How long after that election before you were discharged?—A. I don't know that I worked for him that fall. If I did I could tell.

5008. Q. Was it in the spring or fall that you were next employed?—A. It was in January that I went to work for him next.

5009. Q. Was it not and have you not sworn that your next work was around the factory and that it was in the fall?—A. It was in January. To the best of my knowledge it was in January that I swore to.

5010. Q. How long did you work there?—A. I worked from January till the first of April.

5011. Q. Did you vote in that time?—A. Yes, sir; I voted in March.

5012. Q. For whom did you vote and for what offices?—A. I could not say.

5013. Q. How long was it after that before you next went to work for Mr. Kingsford—how many years?—A. I could not say.

5014. Q. Did you work for him at the time of either a spring or a fall election after that?—A. The next work I done spring election was over. I worked for him along in the summer.

5015. Q. Did you work for him at the time of the fall election that year?—A. Not that fall.

5016. Q. When did you work for him subsequent to that at the time of an election—what year?—A. The next summer I went to work for him at the same job in the river quarrying stone. The next fall—I worked through till the fall—I was working for him at the time of the election.

5017. Q. Who did you vote for that year—give me the name of the officer?—A. I could not.

5018. Q. Was you working for him at the time of the next spring election?—A. No, sir.

5019. Q. When did you next work for him at the time of an election?—A. Last fall.

5020. Q. Did you not vote for Thomas Pearson for mayor this spring a year ago?—A. Yes, sir; as far as I can understand.

5021. Q. Is it not true that you had been out of steady employment a

long time prior to last fall election?—A. Yes, sir; I was out of steady employ.

5022. Q. And you were anxious to obtain steady employment last fall? (Objected to as immaterial.)

A. Of course.

5023. Q. And who employed you last fall?—A. Mr. Kingsford.

5024. Q. As a common laborer?—A. Yes, sir.

5025. Q. And who was your foreman or time-keeper?—A. When I first went to work there William Beady was.

5026. Q. Well, who else?—A. Mr. Bean.

5027. Q. Was not Mr. James G. Sharp your foreman and boss in point of fact?—A. He was boss over all hands; he was head boss.

5028. Q. And was James G. Sharp not your time-keeper and boss before and on the time of the election?—A. I could not swear whether he kept my time or not; I could not tell who kept my time; he was supposed to be boss of all hands all the time after he came there.

5029. Q. Was you working there the day of election?—A. Yes, sir.

5030. Q. In what ward did you vote that day?—A. I voted in the eighth ward.

5031. Q. From whom did you get your ticket?—A. Charley North.

5032. Q. Charles North was a Republican, was he not?—A. Yes, sir; believe.

5033. And you voted the entire Republican ticket last fall, did you not?—A. No, sir.

5034. Q. Do you know what ticket you did vote?—A. I had Dowdle, the Democrat or Greenback, put on my ticket; I think I voted a Republican ticket with Dowdle put on.

5035. Q. Hon John B. Higgins was a candidate for recorder last fall on the Democratic ticket, was he not?—A. I suppose so.

5036. Q. Do you not know that he was?—A. I could not swear to it.

5037. Q. Who went with you to the polls?—A. Pat Brennan and I went together from the work.

5038. Q. He was working on that building, was he not?—A. He was.

5039. Q. And did he not get his ticket from Charles North?—A. He did, sir.

5040. Q. And voted the Republican ticket?—A. I could not say.

5041. Q. Do you not believe that he voted the Republican ticket last fall?

(Objected to as incompetent and immaterial. Notaries differ. Coon for exclusion of the answer.)

A. I can't give any answer on that question; he might have a Democratic ticket and take a Republican ticket.

(Contestee's counsel objects to all of the answer after the part "I can't give any answer on that question," and moves to strike it out.

Notaries differ as to striking out. Notary Coon in favor of it, holding it to be immaterial.)

5042. Q. You had known Mr. Brennan how long?—A. Twenty-three or four years or more; I can't say.

5043. Q. And he had been known by you as a Democrat prior to last fall?

(Objected to as immaterial.)

A. I can't say.

5044. Q. Are you intimate with him?—A. He is a neighbor.

5045. Q. And you and he last fall and prior thereto had frequently talked on the subject of politics, had you not?—A. Not that I know of.

5046. Q. Will you swear that you did not talk with him on the sub-

ject of politics last fall and prior to that time? Answer yes or no.—A. I did not talk politics with him last fall and before that time.

5047. Q. Did you not see John B. Higgins at the polls that day?—A. Yes, sir; I saw him on the sidewalk.

5048. Q. And you had known Mr. Higgins and knew him then to be a Democrat, did you not?—A. That is what I supposed he was.

5049. Q. Did he not on that day solicit you and Brennan to vote for him?—A. He did not me. I could not say as to Brennan.

5050. Q. Will you swear positively that the Hon. John B. Higgins did not converse with Brennan and you on that day and solicit Brennan and you to vote for him for recorder, and that Brennan did not reply to him in answer to that solicitation: "Mr. Higgins, we would like to, but da'sn't vote for you this time"?—A. Don't know anything about Brennan, but John Higgins never moved one word to me that day nor I to him. If Brennan talked to him it was unbeknown to me; he might have talked to Brennan.

5051. Q. Who was with Mr. Higgins at the time you talked to him or he to you, or that you saw him at the polls?—A. Mr. Higgins did not talk one word to me or I to him that day. I do not know who was with him. I saw him on the sidewalk.

5052. Q. Have you a son named William Cody?—A. That is what my wife says.

5053. Q. Have you and your son not frequently talked upon the subject of politics, and also about you having voted the Republican ticket last fall while in the employ of Mr. Kingsford?—A. We did after the election.

5054. Q. And have you and your son frequently talked about your voting the Republican ticket prior to last election when you had been in the employ of Kingsford? Answer yes or no.—A. No.

5055. Q. Have you and your son not held conversations on the subject of how you voted at elections other than last fall, when you were in the employ of Thomson Kingsford, as to voting the Republican ticket? Answer yes or no.

(Objected to as being the same question as the last, and already answered.)

A. Yes; since the election of last fall.

5056. Q. When did you hold the first conversation with him about your having voted the Republican ticket last fall and at other times prior to that when you voted the Republican ticket when in the employ of Thomson Kingsford?—A. In my own house; could not say whether it was election night or night after.

5057. Q. The work upon that building is not completed, is it?—A. No, sir; only one story built yet.

5058. Q. And you anticipate and expect to be employed there when the work on that building is resumed, do you not?—A. I don't know whether I shall get it; I shall go look for it, if living.

5059. Q. Did you vote this spring?—A. Yes, sir.

5060. Q. And for whom?—A. For Pearson for mayor; I voted Democratic ticket.

5061. Q. At what time did you leave the work last fall to vote?—A. At the dinner-hour.

5062. Q. Did any one tell you to knock off work and go to vote?—A. No.

5063. Q. Is it not true that you quit work last fall's election-day at eleven o'clock and thirty minutes in the forenoon instead of twelve so as to give you time to go home and vote?—A. I left the work ten minutes

before twelve and came home without leave of anybody, and came up and went to the polls before dinner.

5064. Q. Did you see any tickets at the works that day?—A. Not that I know of.

5065. Q. Did you see Sharp the morning of the election or the day before?—A. Yes; I see him there on the work.

5066. Q. How many men quit work at the time you did?—A. There did not anybody.

5067. Q. Where did you meet Brennan to go to the polls?—A. I met Brennan between my house and the polls.

5068. Q. Was that before or after you had voted?—A. Before I had voted.

5069. Q. Did you pass the polls on your way home?—A. No, sir; the polls were further away than my home.

5070. Q. Did he tell you that he was on his way to vote?—A. He did not.

5071. Q. How did you come to go to the polls together?—A. I went up ahead of Brennan and voted. We chanced to meet on the way going.

5072. Q. Did you get your tickets from Charles North at the same time?—A. Yes, sir.

5073. Q. Did you go to him and ask for the tickets, or did he meet you and hand them to you?—A. I went to him for the ticket.

5074. Q. Did you not see persons known to you to be Democrats distributing, or ready to distribute, Democratic tickets that day?—A. They were around there, distributing tickets around.

5075. Q. Upon reflection, now, are you prepared to swear, beyond all fear of contradiction, that the Hon. John B. Higgins, then a candidate for recorder, did not offer to you and Brennan Democratic tickets, and request of you and Brennan jointly or severally to vote the Democratic ticket?—A. John B. Higgins never offered me a ticket or spoke a word on election day.

5076. Q. Do you decline to make further answer to the foregoing question?—A. I don't refuse to answer anything asked. I don't know anything about Brennan.

5077. Q. Did you see your son there at the polls?—A. No, sir.

Adjourned to 2 p. m.

2 p. m., met pursuant to adjournment.

5078. Q. Who first commenced this conversation between your son and yourself about how you had voted heretofore?—A. My son did.

Redirect examination of JOHN CODY:

5079. Q. Do you remember the time when Lincoln and McClellan were Presidential candidates?—A. Yes, sir.

5080. Q. Did you vote that year they were candidates?—A. Yes, sir.

5081. Q. Which of those men did you support for the Presidency?—A. McClellan got my vote.

5082. Q. You have stated that you were at work for Mr. Kingsford one spring at the time of election; what ticket did you vote, Democratic or Republican?—A. Democratic.

5083. Q. What did you understand Mr. Dowdle's politics to be? I mean the person for whom you voted last fall for county treasurer.—A. I thought he was on the Greenback party.

5084. Q. Have you invariably voted the Democratic ticket; if not, how have you voted? What has been your rule of conduct in that respect?

(Objected to. Should be limited in the time required in the examination in chief.)

A. I have been a Democrat the most of my voting. I split my ticket once in a while when there was a good man in the field.

5085. Q. From whom did you get your ticket for Dowdle?—A. From North.

Recross-examination of JOHN CODY:

5086. Q. What year was it that McClellan and Lincoln ran for President?—A. The fall of 1864.

5087. Q. And you were not in the employ of Kingsford at that time, were you?—A. I was soldiering in the United States employ.

5088. Q. What year did you enter the Army?—A. In 1862.

5089. Q. And was discharged when?—A. Discharged in July, when the war was at an end, 1865 or 1866.

5090. Q. You may give me the year that you voted in the spring when you were in the employ of Mr. Kingsford.—A. That I could not give. I don't know when it was.

5091. Q. How long was it after you came out of the service?—A. It was before that that I worked for Mr. Kingsford. I now think of it; it was in the spring of 1861.

5092. Q. What month was the election held in?—A. In March.

5093. Q. And you were discharged in the month of March or fore part of April?—A. The first days of April.

5094. Q. You may give me the name of the person whom you voted for for mayor to the best of your recollection.—A. That I could not do; don't recollect.

5095. Q. Did you not vote for Henry Fitzhugh for mayor in 1861?—A. I did not.

5096. Q. Are you certain that it was not Henry Fitzhugh that you voted for for mayor at the charter election in the spring of 1861?—A. I did not vote for Fitzhugh; I voted the Democratic ticket.

5097. Q. Did you vote for Crocker that year?—A. I disremember who I did vote for; I did not know he was in the field.

5098. Q. How do you know that you voted for Dowdle for treasurer?—A. I wanted to do so and North put his name on the ticket with a pencil.

5099. Q. Had you at any election prior to last fall's election gone to Charles North to get your ticket?—A. No, sir.

Second redirect examination of JOHN CODY:

5100. Q. You speak of having been discharged in the spring of 1861 from Mr. Kingsford's; was that at the close of the job at which you were engaged, or prior to it?—A. At the close of the job.

5101. Q. Are you well acquainted with Mr. Charles North, of whom you have spoken?—A. Yes, sir; for a neighbor.

5102. Q. Have you ever voted for him; and, if so, for what office?

(Objected to as immaterial. Notaries differ.)

A. Yes, sir; for mayor.

his  
JOHN + CODY.  
mark.

Sworn to and signed in presence of us, the notaries, by his mark.

W. W. GREEN.  
S. M. COON.

*Deposition of Patrick Brennan.*

PATRICK BRENNAN called.

(H. D. Baker objects to this witness on the ground that no notice has been served for his examination; that the witness produced says his name is Brinnan; witness is asked by counsel how he spells his name; witness answers, "can't spell"; how do you pronounce your name? "Pat Brennan," he answers. Witness given the opportunity to go to see his son and produce a paper with his name on it correctly spelled. Witness returns with paper, on which he says his son wrote his name, and which is spelled "Patrick Brennan.")

Counsel for contestant still renews his objection.

Notaries differ; Coon in favor of allowing the witness to be sworn, and Green opposed.)

Witness being duly sworn on the part of contestee and examined by J. B. Alexander, esq., counsel for contestee, testified as follows:

5103. Question. What is your name, age, residence, and occupation?—Answer. Patrick Brennan; am about fifty-six or fifty-seven years of age; reside in Oswego, eighth ward, Second street; occupation, common laborer.

5104. Q. What are you doing now?—A. I am watchman on the new shade factory.

5105. Q. How long have you lived where you are now?—A. Twenty-eight or twenty-nine years.

5106. Q. Are you a voter?—A. Yes, sir.

5107. Q. How long have you been a voter?—A. I don't remember.

5108. Q. Do you know Mr. Thomson Kingsford?—A. I do, sir.

5109. Q. How long have you known him?—A. A great many years; could not tell how many.

5110. Q. Have you ever worked for him?—A. Yes, sir.

5111. Q. And about the starch factory?—A. Yes, sir.

5112. Q. When did you first commence work under him?—A. Could not tell; a good while ago.

5113. Q. When did you do your last work about the starch factory?—A. Could not tell; must be over ten years, to the best of my knowledge.

5114. Q. Did you work on Kingsford's new building, corner of West First and Seneca streets?—A. Yes, sir.

5115. Q. How did you come to obtain employment there?—A. I asked Mr. Kingsford to give me a job, just as he was stepping into his carriage.

5116. Q. What did he say?—A. He told his foreman, Mr. Sharp, to take my name and give me work.

5117. Q. Was that all that was said?—A. That was all.

5118. Q. Anything said to you on the subject of politics either by you or by Mr. Sharp?—A. No, sir.

5119. Q. Or at any subsequent time during your employment there?—A. No, sir.

5120. Q. When did you commence work there?—A. Think in October; am not sure.

5121. Q. How long did you work there?—A. As long as the work continued; till the work was closed up.

5122. Q. Was any attempt made by Mr. Kingsford or by any foreman or boss employed upon that building to influence or control your vote?—A. No, sir; not a word spoken, nor anything of the sort.

5123. Q. Has Mr. Kingsford at any time, or any of his foremen or other persons under his control, sought to control your vote?—A. No, sir; they did not.



5124. Q. About when did you quit work at the new building?—A. In the month of December.

5125. Q. Did you know of Mr. Kingsford, or any one under his control and management about the new building, trying to effect the election of Judge Mason and the defeat of Mr. Duffy, at last fall's election, by anything said or done by them to the laborers employed about that building?—A. Not to my knowledge, sir.

5126. Q. Under whom did you work there—what boss?—A. William Brady.

5127. Q. Who else?—A. James G. Sharp and Mr. John Barnett; that is all to my knowledge.

5128. Q. Did Mr. Sharp talk to you on the subject of politics during your employment there?—A. Never; not a word.

5129. Q. Did you know of any one being discharged from that employment for alleged political reasons?—A. I did not.

5130. Q. Or employed there for such reasons?—A. No, sir; I did not.

Cross-examination of PATRICK BRENNAN by H. D. BAKER, counsel for contestant:

5131. Question. How do you pronounce your name? Is it not Patrick Brinnan?—Answer. Patrick Brinnan (difficult to get the exact sound).

5132. Q. And you belong to what church?—A. Saint Paul's church.

(Counsel for contestant now moves that the deposition of this witness be stricken out, on the ground that he shows his name to be Brinnan instead of Brennan, and is not the person noticed by the contestee to be examined. Contestant's counsel denies that any notice has been served upon him for the taking the deposition of this witness, and asserts that no proof has been made to the notaries that this witness would be examined.)

Cross-examination continued:

5133. Q. Where was you born?—A. I was born in Ireland, in the county of Tipperary.

5134. Q. What year did you come to this country?—A. About twenty-five years ago.

5135. Q. Have you been naturalized; and, if so, in what year?—A. Yes, sir; can't tell the year.

5136. Q. Do you know Samuel Snody?—A. No, sir; I don't know him.

5137. Q. By whom were you subpoenaed?—A. By that gentleman there; I don't know his name.

5138. Q. Will you swear that you don't know that that man's name is Snody?—A. Yes, sir.

5139. Q. Have you ever talked with any one upon the subject of what you was to testify to when you came here?—A. No, sir.

5140. Q. What did Snody say to you when he subpoenaed you?—A. He told me to appear down here at Mr. Lamoree's office.

5141. Q. You may tell all that he said to you.—A. I don't remember what the man said.

5142. Q. You had heard of this case, had you not, before you were subpoenaed?—A. I don't know whether I did or not.

5143. Q. Did not Snody ask you if you had worked for Kingsford?—A. I believe he did.

5144. Q. And did he not tell you that he wanted you to come here and swear for Kingsford, or in substance that, on this case?—A. He told me he wanted me here on this case; he did not tell me he wanted me to swear for Kingsford.

5145. Q. You will not swear positively that Samuel Snody did not tell you he wanted you to come here and swear for Kingsford on this case ?—A. No, sir ; I will not.

5146. Q. And you will not swear positively that he did not tell you that he wanted you to come here and swear that you had never been forced or required to vote the Republican ticket by Kingsford ?—A. No, sir.

5147. Q. What year did you first go to work for Kingsford, and if you cannot give the year give it as near as you can ?—A. Can't give the year ; maybe I worked there three years.

5148. Was it before or after the war that you worked there ?—A. Worked there a part of the war, but not before, to the best of my knowledge.

5149. Q. Did you work inside or outside of the starch factory ?—A. Inside and outside both.

5150. Q. And who was your boss or foreman in the starch factory during that time ?—A. Big Henry Kingsford part of the time ; Mr. James Brant, Mr. Charles Baker, Riley Stewart.

5151. Q. When were you discharged ?—A. I never was discharged until I got through the work.

5152. Q. Don't you work at starch-making ?—A. Yes, sir ; a part of the time.

5153. Q. And they have not got through making starch there yet, have they ?—A. No, sir.

5154. Q. Who discharged you ?—A. I did not get discharged. Mr. Kingsford shut down the work in the factory. I worked in the old factory.

5155. Q. Did you work there again making starch ?—A. No, sir.

5156. Q. Can you tell me the name of any person for whom you voted, and for what office, during the time that you were employed by Mr. Kingsford in the starch factory ?—A. I don't believe I could tell the name of any except one ; that was Mr. Harman.

5157. Q. And he was a Republican candidate for recorder, was he not ?—A. Yes, sir.

5158. Q. And did you vote about every election ?—A. Yes, sir ; don't think I missed any but one.

5159. Q. And you will not swear positively that you did not vote the Republican ticket during a part or all of the time that you were there employed, will you ?—A. Never, only once, voted the Republican ticket.

5160. Q. Was Mr. Davies a boss in the factory at that time ?—A. He was in it ; can't say whether a boss.

5161. Q. Will you swear positively that Republican tickets were never given to you or other employes at the factory on election days before you went to vote, and that you were not required to report to some one specially assigned for that purpose on election days when you went to vote ?—A. Yes, sir ; I never got a ticket of any description at the factory from any of the bosses, nor from any one else, and was not required to report to any one on election days. I swear only for myself.

5162. Q. During the time that you were employed there you have seen starch-factory bosses or foremen standing at the polls on election days distributing tickets to the employes ?—A. I never see them. I belonged at that time in the fourth ward, now eighth ward.

5163. Q. After you were discharged or quit the employ of the starch factory entirely, you voted the Democratic ticket on State and Congressional elections ?—A. No, sir ; I voted sometimes for Democrats and

sometimes Republicans. I voted the split tickets sometimes. On State ticket I voted the Democratic ticket.

5164. Q. When you say you voted a split ticket you mean that you only voted that at a spring or charter election, do you not, instead of a State election?—A. I voted for men to Congress for Republican most every time; for State officers, sometimes voted for Republicans and split.

5165. Q. Are you a Democrat or Republican?—A. I was pretty much a Democrat, but am turning from the party.

Adjourned to 9 a. m. April 5, 1879.

April 5, 1879, met pursuant to adjournment.

Cross-examination of PATRICK BRENNAN continued:

5166. Q. When did you commence to turn; last fall, was it not?—A. No; it was not last fall.

5167. Q. Then you have always voted the Republican ticket, have you not?—A. No; I have not.

5168. Q. Who did you vote for Congress the last time prior to last fall?—A. I don't know; I disremember his name.

5169. Q. He was a Democrat, was he not, that you voted for?—A. I guess not.

5170. Q. You don't really know who you did vote for, do you?—A. I don't know the names now.

5171. Q. Who was the last governor of this State that you voted for?—A. I disremember the governor's name.

5172. Q. Did you vote for Robinson, the present governor?—A. I don't know that, because I can't read the ticket; I voted for him if he was on my ticket.

5173. Q. Did you intend to vote for the Democratic candidate for governor at the last gubernatorial election?—A. No.

5174. Q. It has been pretty generally known, has it not, that you were voting the Republican ticket?—A. Yes.

5175. Q. And just prior to last fall's election, while you were in the employ of Thomson Kingsford, you stated that you were going to vote the Republican ticket, did you not?—A. I made no man the wiser what I was going to vote but myself.

5176. Q. You will not swear positively that you did not say to one or more men in the employ of Thomson Kingsford who approached you upon that subject, while you were at work for Kingsford last fall, that you would vote the Republican ticket?—A. I don't suppose I said anything about it; no one spoke to me about it. No; I did not so tell anybody, to my knowledge.

5177. Q. You will not pretend to swear positively and beyond fear of contradiction that none of Kingsford's bosses or foremen or men in his employ approached you before you voted last fall on the subject of your voting, will you?—A. Yes, sir; I swear positively they did not.

5178. Q. What is your son's name that keeps a saloon on East Bridge street?—A. John.

5179. Q. Did he not ask you after the election how you came to vote the Republican ticket, or what induced you to do so, or in substance that?—A. He did not; no such thing.

5180. Q. Have you not told him since you were subpoenaed that you voted the Republican ticket last fall, on an inquiry as to what you knew about this case?—A. No, sir. He had no occasion; he did not ask me; he knew how I voted better than I did, for he can read.

5181. Q. Was your son with you at the polls last fall's election when you voted, and did he give you or see and read your ticket when you voted?—A. No; he did not read the ticket. He was at the polls, because he was one of the inspectors.

5182. Q. If he did not read your ticket how can you swear that he knew how you voted?—A. I can't swear that he knew how I voted.

5183. Q. Will you swear positively, and beyond all fear of contradiction, that you did not meet John B. Higgins at the eighth ward polls last fall, and was there solicited by him to vote for him, the said Higgins, for recorder, and you reply to him that you would like to do so but didn't to do it this time? Answer, yes or no.—A. There was no didn't in it. I told him I had my ticket.

5184. Q. Who went with you to the polls?—A. Myself, in person.

5185. Q. Did you go there in company with John Cody?—A. No, sir.

5186. Q. Are you as positive about that as anything else you have sworn to?—A. I am just sure of it.

5187. Q. Cody was telling that that was not true when he swore that you and he went to the polls together, was he not, and got your tickets from North together?

(Objected to as improper, and assuming a state of facts that witness does not appear to know.)

A. He was not with me at the polls. I went from Bridge street alone, by myself.

5188. Q. Did you have any talk with Samuel Snody this morning after you came into this room?—A. I had no conversation with the man until he spoke to me.

5189. Q. Did he not call you into the back room this morning to talk with you?—A. Yes.

5190. Q. You may tell what he said to you; give the conversation.—A. He said nothing, only that my son said he would send a man up to take my place.

5191. Q. What was said about your testifying this morning?

(Objected to as not appearing that anything was said on that subject.)

A. He said nothing about my testifying that I know of.

5192. Q. Now, you will not pretend to swear positively that when Samuel Snody, Lamoree's messenger, called you into the back office he did not say to you that you must be careful how you testified, or to look out, or in substance that?—A. The man said nothing at all to me about any such thing.

5193. Q. You had been out of work considerable last fall and summer?—A. I was not out of work last fall, and in the summer I had my own work, and I did not seek for any other.

5194. Q. Before you went to work for Kingsford last fall you were desirous to obtain employment, were you not?—A. I wanted to get work then.

5195. Q. And you would like to obtain work there in the spring when work starts up on that building, would you not?—A. Yes; if I got it I would.

5196. Q. Did you ever talk to Mr. Lamoree on this subject—of this investigation?—A. Never, sir. I never spoke a word to him.

5197. Q. Do you know Mr. Lamoree, late district attorney of the county of Oswego?—A. I don't suppose I would know the man if I met him on the street; never saw the man but once.

5198. Q. Have you had any talk with Mr. Rassmussen in the past three months?—A. Not a word; I don't know him.

5199. Q. Do you know William I. Rassmussen, foreman at the starch factory—same man before referred to?—A. I don't know him.

5200. Q. But you have talked with Charles Baker, one of the foremen of the starch factory, now in the room, and who was present yesterday, since you have been testifying? Answer yes or no.—A. I have not spoken to Charley Baker since I can't tell when till yesterday.

5201. Q. Did you not appeal to him yesterday to answer a question that was put to you on cross-examination? Give me a direct answer, yes or no.—A. No.

5202. Q. Did you not so appeal to him in the presence of the notaries? Answer yes or no.—A. I did not; only asked him to spell my name.

5203. Q. Did you not appeal to him to answer the question that was put to you about your employment in the starch factory?

(Objected to that cross-examination on that point has proceeded far enough; trifling with the court; not sufficiently specific. Notaries differ; Coon for exclusion.)

A. Witness asks what question do you mean.

5204. Q. I mean when you were interrogated on cross-examination as to the time when you were first employed and discharged from the starch factory.—A. I asked Mr. Baker about the year or how long ago it was since I was there working.

5205. Q. What month and what day were you subpoenaed to appear and testify in this case, and how much money have you received, and by whom paid?—A. In March; can't tell the day; seventy-five cents at that time, and seventy-five more on the second subpoena. That is all. Seventy-five from this man (witness pointing to Snody), and seventy-five more from small boy.

5206. Q. And you have been ready and anxious to testify all of the time, have you not?—A. Yes, sir.

5207. Q. Did you ever talk with John Cody about this case?—A. Yes.

5208. Q. You and he live neighbors together?—A. Yes, sir.

Redirect examination of PATRICK BRENNAN by J. B. ALEXANDER, Esq.:

5209. Q. The anxiety you have just spoken of is an anxiety to get back to your work, is it not?—A. Yes, sir.

5210. Q. Has not Mr. Baker, the counsel here, advised you repeatedly that you need not testify here unless you received seventy-five cents a day?—A. I don't know that he has.

PATRICK <sup>his</sup> + BRENNAN.  
mark.

Sworn to and signed by his mark in presence of the notaries.

S. M. COON.  
W. W. GREEN.

*Deposition of Charles Baker.*

Witness being duly sworn testified as follows:

5211. Question. What is your name, age, residence, and occupation?—Answer. Charles Baker; forty-nine years of age; reside 154 West Fifth street, fifth ward, Oswego City; occupation, a foreman in the starch factory.

Adjourned to Monday morning April 7, 1879, at 9 o'clock a. m.

April 7, 1879.—Met pursuant to adjournment, and continued the examination of CHARLES BAKER.

5212. Q. How long have you lived in this city?—A. Over twenty years.

5213. Q. What is your nationality?—A. English.

5214. Q. Have you worked constantly in the Oswego Starch Factory since you first commenced there?—A. No.

5215. Q. How much of the twenty years you speak of have you been employed elsewhere?—A. I cannot say; it might be a few months. I cannot remember.

5216. Q. What has been your business, then, chiefly?—A. A boss.

5217. Q. How long have you been a voter?—A. About fifteen or sixteen years.

5218. Q. Have you usually voted at the different elections held in this city during that time?—A. I have.

5219. Q. What are your politics?—A. Republican.

5220. Q. And have you been a Republican during all that time?—A. I have.

5221. Q. And have you during your employment in the factory known of any instance where Mr. Kingsford has intimidated or coerced, or attempted to intimidate or coerce, any employé of the factory into voting any ticket contrary to such voter's wishes?—A. I do not.

5222. Q. Have you known him to adopt or put into force any measure or measures designed to compel voters employed in the factory or elsewhere to vote contrary to their wishes?—A. I have not.

5223. Q. Have you ever been sent to the polls by orders of Mr. Kingsford, expressly to watch the voting of the employés of the factory, and to report the names back to him of such as did not vote the Republican ticket?—A. I never have.

5224. Q. Have you known of any employé of the factory receiving such instructions from Mr. Kingsford?—A. I have not.

5225. Q. Have you known any obstacle to any employé of the factory voting as he saw fit?—A. I have not.

5226. Q. Have you ever known any one to be discharged from the factory upon political grounds?—A. I never have.

5227. Q. Have you ever known any one to receive employment there for political considerations?—A. No, sir; I have not.

5228. Q. Are the employés of the factory engaged in starch making frequently changed?—A. Not to my knowledge.

5229. Q. Is it not true that such employés, as a rule, are employed as long as they are fitted for their employment and the needs of the business requires their services, and that without any reference to politics whatever, so far as you have any knowledge, information, or belief on the subject?

(Objection by contestant's counsel to calling for belief as incompetent.)

A. I believe that is so. I have no knowledge or information to the contrary.

5230. Q. Will you state, Mr. Baker, the nature of your employment there as boss?—A. I have charge of the men, of the grinding, and also of the men that does the work through the working of the starch in the wet department.

5231. Q. About how many of those men are there who come under your supervision?—A. Forty-six.

5232. Q. And have you at any time heard any complaint among those men under your charge to the effect that they were in any manner inter-

fered with or disturbed or hindered in the matter of voting or acting politically as they would wish?—A. I have not.

5233. Q. Are you acquainted with one Dennis Sweeney, who was employed in the factory some fifteen or twenty years ago, and who now resides in the fifth ward of this city?—A. I am.

5234. Q. Were you at work in the starch factory at the time of his discharge from there?—A. I was.

5235. Q. About how long ago was that?—A. I can't remember.

5236. Q. Do you know why he was discharged?—A. I do not.

5237. Q. Was there any report current in the factory at that time—the time of his discharge—that he was discharged because he would not vote for Wadsworth for governor, or because he would not vote the Republican ticket, or any part of it?

(Objected to as incompetent.)

A. Not to my knowledge.

5238. Q. When, if ever, did you first hear that he was discharged for the cause just mentioned?

(Objected to, assuming knowledge on the part of this witness that he answers he has not.)

A. I never heard it. I read of it in the paper since this case has been on.

5239. Q. Did you know him at the time he worked in the factory and was discharged from the factory?—A. I did know him.

5240. Q. Was he, Mr. Sweeney, under your immediate charge or not at that time?—A. No, sir.

5241. Q. Did you know Sweeney at that time well enough to speak of his reputation in the factory for efficiency and good behavior there as a workman?—A. I did.

5242. Q. You may state what that reputation was.

(Objected to as incompetent and immaterial. Notaries differ; Coon for admission.)

A. He was a good workman, but very abusive.

5243. Q. Do you know of his drinking to an extent that interfered with the proper discharge of his duties?—A. I do not.

5244. Q. In what manner did his abusiveness show itself?

(Objected to as incompetent and immaterial.)

A. His language among the men.

5245. Q. Was he not quarrelsome?

(Objected to as leading, incompetent, and immaterial.)

A. He was.

5246. Q. Do you know Alexander Leamon, who was formerly employed in the factory?—A. I do.

5247. Q. Do you know why he left the factory, of your own knowledge?—A. I do not.

5248. Q. Did you hear any reason assigned for it there at the time he did leave?

(Objected to as hearsay, incompetent.)

A. I did.

5249. Q. And what was that reason?—A. That the carpenter work was winding up, and that he was let go, along with several others.

5250. Q. He was not under your charge, was he?—A. No, sir.

5251. Q. Do you remember seeing him at the polls, or giving him tickets the year that he last quit work at the factory?—A. I remember seeing him at the polls, but whether it was the year he quit the factory, or the year following, I can't tell.

5252. Q. Did you make any report to Mr. Kingsford about his conduct at the polls on any occasion?—A. I did not.

Cross-examination of CHARLES BAKER by H. D. BAKER, counsel for contestant:

5253. Q. In what year and at what place were you born?—A. In the year 1830, in Middlesex, England.

5254. Q. What year did you come to this country, who with, and where did you first settle?—A. I came here in 1856, with my wife and family, and first settled in Oswego.

5255. Q. What business had you been engaged in before you came to this country?—A. I worked in the grocery trade.

5256. Q. And what business did you embark in when you came to Oswego?—A. I went to work in the starch factory.

5257. Q. In what capacity?—A. In the scraping-room, doing several things, as ordered.

5258. Q. As an ordinary hand, or as a boss or foreman?—A. As a laborer.

5259. Q. How long did you remain there before you was discharged?—A. I was not discharged.

5260. Q. Do you wish to be understood as saying that you have worked there continuously from 1856 to the present time?—A. I do not.

5261. Q. And what year did you first cease working there, and how did you come to quit?—A. I ceased working there in 1857. I stopped working at the factory, and was sent to the farm to work by Mr. Kingsford.

5262. Q. When did you next go to work in the factory?—A. I don't remember; I can't do it; I was off and on.

5263. Q. What year did you first commence to attend the polls on election day?—A. About fifteen or sixteen years ago.

5264. Q. You mean, then, that you commenced work at the polls on election days in the spring of 1863, do you not?—A. I don't remember whether 1863, or not.

5265. Q. What year did you first become a boss or foreman in the starch factory?—A. I think about fourteen years ago.

5266. Q. And did you commence your operations as a poll-driver on election days before you became a foreman?—A. I never was a poll-driver.

5267. Q. What do you understand by a poll-driver on election day?—A. I don't understand what you mean yourself.

5268. Q. Did you not commence working at the polls on election days, distributing tickets, and electioneering, before you became a foreman in the factory?—A. I did.

5269. Q. And you did so with the knowledge and consent of the Kingsfords at the time, did you not?—A. I did not.

5270. Q. Has it not always been the rule, since you have been in the starch factory, that men must obtain leave of absence, either from the foreman or Mr. Kingsford, when they left their work?—A. Yes, sir.

5271. Q. And from whom did you obtain leave of absence to go to the polls and work?—A. Sometimes from Mr. Kingsford, and sometimes from the foreman.

5272. Q. Then Mr. Kingsford did have knowledge, in fact, that you left the work at the factory to go to the polls and work, did he not?

(Objected to as asking for the conclusion of the witness, and as improper.)

A. Not to my knowledge; he did not.

5273. Q. Were you docked in your pay for the time you spent at the polls prior to the time you became a foreman?—A. I don't remember.

5274. Q. Will you swear positively that you did not receive from



Kingsford full pay for the days you spent away from the factory on election day?—A. I cannot.

Adjourned to 2 p. m.

Met pursuant to adjournment.

Cross-examination of CHARLES BAKER resumed:

5275. Q. Has Mr. Kingsford been aware of the fact for several years last past that it has been your constant habit to be in attendance at your polls on election days, and that you have been absent from the factory and your usual place of attendance on election days?

(Objected to as immaterial and assuming facts not proven. Notaries differ; Coon opposed to admission.)

A. I have no doubt that he is.

5276. Q. How long have you been a resident of the fifth ward?—A. Ever since the wards were divided.

5277. Q. And you were in attendance at the fifth ward polls last fall, were you not?—A. I was.

5278. Q. Distributing Republican tickets?—A. I was.

5279. Q. For Mr. Mason, as well as the other Republican candidates?—A. I was.

5280. Q. And will you swear positively that Mr. Kingsford did not know that you were attending the polls last fall?—A. Cannot.

5281. Q. From whom did you obtain permission, if any one, to leave your work and attend at the polls last fall?—A. I got permission from Mr. Kingsford to be away.

5282. Q. Where did you tell him you were going to be that day, and what did you tell him you were going to do when you asked for your leave of absence?—A. I never told him what I was going to do.

5283. Q. What other bosses or foremen from the starch factory attended the polls that day?—A. James G. Sharp was there, and John Brant.

5284. Q. And what were their politics; Republican, were they not?—A. I should think so.

5285. Q. Do you not know James Sharp to be a Republican, from your intercourse with him?—A. I think he is a Republican; can't say what he voted.

5286. Q. When were you naturalized, if at all?—A. I think a little over twenty years ago.

5287. Q. And how many years have you been in this country?—A. I think a little over twenty; think about twenty-two years; can't tell exactly.

5288. Q. And you have uniformly voted the Republican ticket since you have been in the employment of Mr. Kingsford?—A. I have.

5289. Q. And you know about every employé of the starch factory, and the works additional thereto, that reside in your ward, do you not?—A. I think I do.

5290. Q. Do you recollect of riding with H. D. Baker, contestant's counsel, in a buggy, the night preceding last fall's election?—A. I do, well.

5291. Q. And at what point in the city did you get in the buggy with me?—A. I think it was on Bridge street; am not positive.

5292. Q. In front of the Grant Block, was it not?—A. I cannot say now; I think it was.

5293. Q. And had you not prior to that time been at the office of the Oswego Times, the Republican organ of this city, of which Mr. J. B.

Alexander, one of the counsel for the contestee, is a director?—A. I was at the Times Office. I don't know anything about Mr. Alexander having anything to do with the Times.

5294. Q. Who did you see and converse with there?—A. I saw Mr. John A. Place there, Thomas Parker, Charles North, Richard Walpole, William Dury, Mr. Millis from the first ward, Hugh Moriarty; I don't remember any more.

5295. Q. You then and there talked about the coming election, did you not?—A. I presume we did.

5296. Q. And you then and there obtained and took away with you Republican tickets, including Republican tickets for member of Congress, did you not?—A. I did.

5297. Q. With what starch-factory employés, bosses and foremen, and clerks did you converse with about the election the Saturday, Sunday, and Monday, including the night season as well as the day, before the election about the election?—A. Not any, to my knowledge.

5298. Q. Will you swear positively that you did not converse with some of the employés about the election before election day?—A. I cannot.

5299. Q. Give me the names of the bosses and foremen of the starch factory, machine shops, and all, and the different wards in which they reside.—A. I don't know about the outside works. In the factory are Edward Sayres, Charles W. Gwilt, James G. Sharp, C. Baker (myself), Ransom A. Soule, John Cooper, William Cullen, William J. Rasmussen, Calvin S. Sumner, James A. Southwick, and James B. Spencer; that is all I remember. The most of them reside in the fifth ward. Edward Sayres, Charles W. Gwilt, James G. Sharp, C. Baker, Ransom A. Soule, John Cooper, William Cullen, and James B. Spencer all reside in the fifth ward; the others all reside in the third ward.

5300. Q. Was Edward Sayre not in attendance at the fifth ward polls last fall's election?—A. He was not there except when he came to vote.

5301. Q. Kingsford did not dock you or refuse to pay you for your time last fall spent at the polls and away from the factory?

(Objected to as immaterial. Notaries differ; Coon opposed to admission.)

A. Not as I know of.

5302. Q. You have always been paid for the days that you spent at the polls and away from the factory, have you not, and have you not always expected and anticipated your pay for the days spent at the polls?—A. I don't believe I have been paid all the time for election days. Am almost certain I have not.

5303. Q. You may name an election at which you remained at the polls on which Kingsford refused to pay you for your time.—A. I don't know of any that he ever refused me.

5304. Q. Have you ever known of any notices either written or printed being posted in and about and around the factory by Kingsford informing the employés that it was their right and privilege to vote at elections in accordance with their wishes, and regardless of his or the bosses' and foremen's political predilections and wishes; and did you know of anything of that kind last fall prior to election?

(Objected to as immaterial. Notaries differ; Coon for exclusion of the evidence.)

A. I do not.

5305. Q. Have you not heard, by common talk and common repute upon the streets of the city of Oswego for several years last past, that the starch-factory employés were required by Kingsford to vote the Republican ticket, or as he wished them to, or lose their situations?

(Objected to as immaterial, incompetent, and hearsay. Notaries differ; Coon for exclusion of evidence.)

A. I have not.

5306. Q. Have you not known it to be charged in the public press of the city of Oswego by both the Republican organs, or either of them, that the starch-factory vote was intimidated by Kingsford?

(Objected to same as before. Same ruling or difference of notaries.)

A. I might have read of it in the paper, but don't remember the circumstances now.

5307. Q. You have not been in the habit of reading the newspapers printed in the city of Oswego or elsewhere for several years last past, have you?

(Objected to; incompetent and immaterial.)

A. Sometimes do and sometimes not.

5308. Q. You do not and have not for several years last past kept up with the political issues of the day and political situation of the country, have you?—A. Sometimes I do and sometimes I do not.

5309. Q. And can you now tell what was the political difference in principle between the Republican and Democratic party last fall, if there was any?—A. I could not answer that question.

5310. Q. Do you know the political principle of either party; if so, you may state it?

(Objected to as improper and as assuming as a fact that the Democratic party is a party of principle, when the contrary is well known. Notaries differ. Coon for exclusion.)

A. I do not.

5311. Q. Why is it that you, then, vote the Republican ticket and work so energetically for its election on election days?—A. The first year or second year after I came here, I was invited to the Doolittle Hall to a political meeting. I went there. A few nights afterward I was invited to go to another one; some one asked me which I liked the best. I said the last one. I said if ever I became a voter that was the party I would uphold. That was the Republican party.

5312. Q. You know Mr. Thomson Kingsford to be a Republican in politics, do you not?—A. I guess I do.

5313. Q. Do you know James L. Quigg, who was formerly employed by Thomson Kingsford?—A. I do.

5314. Q. And you have conversed with him some on the subject of politics, have you not?—A. I don't remember whether I have or not.

5315. Q. You know him to be a Democrat, do you not?—A. I do not know how he votes.

5316. Q. Of latter years you have supposed him to be a Republican and to vote the Republican ticket, have you not?

(Objected to as immaterial and calling for witness's belief. Objection sustained.)

5317. Q. Do you recollect about the time that Mr. Quigg went into the employ of Mr. Kingsford the last time, also the time previous?

(Objected to as indefinite as to time.)

A. I don't remember when he was there last or first.

5318. Q. You have known him to be there in his employ, have you not?—A. Yes; I have.

5319. Q. Will you swear positively and beyond all fear of contradiction that you did not say to James L. Quigg upon one occasion, after he had been employed by Kingsford at the starch factory, that if he wanted to retain his situation or stay there that he had better vote the Republican ticket, or in substance that, or suggest the same to him?

(Objected to as improper, immaterial, and indefinite. Notaries differ. Coon for exclusion.)

A. I did not.

5320. Q. Have you ever been consulted by Mr. Kingsford about the discharging of men in the factory for incompetency or for the violation of any of the rules, either express or implied, on the part of Mr. Kingsford, applicable to the starch-factory employes?—A. I might have done after the discharge; not before.

5321. Q. You are well acquainted with and fully understand Mr. Kingsford's rules governing his employes, both express and implied, by reason of their employment, do you not?—A. I am.

5322. Q. Do you not consider it your duty, and do you not report either to Kingsford or some other person any violation of those rules, express or implied, that comes to your knowledge?—A. I do.

5323. Q. Who do you report to?—A. To Edward Sayres.

5324. Q. These men are not discharged until that report goes in, are they?—A. They are.

5325. Q. Who discharges them?—A. Whoever their boss is.

5326. Q. Then we are to understand that these bosses and foremen have the power delegated to them from Kingsford to discharge at will any of the employes upon report being made to Sayres?

(Objected to as immaterial and that the cross-examination on this point has gone far enough. Notaries differ; Coon for exclusion of evidence.)

A. I can't answer it in that shape. If a man don't do as we order or suggest to him, the immediate boss discharges him.

5327. Q. Is it not true that more or less of the employes, bosses, and foremen drink ale, wine, lager, or whisky, more or less?—A. I don't know what they drink.

5328. Q. Do you not know of your own knowledge, as well as upon information received by you in your official position, that the starch-factory employes, bosses, or foremen drink intoxicating liquors, more or less?—A. I have no doubt but what they do.

5329. Q. Did you not have a son candidate for inspector of election; and, if so, state when, where he was employed and is employed?—A. He was employed and is now in the starch factory, and he was inspector last year, but is not this year. When he got elected he was not at work in the starch factory.

5330. Q. You may give me the names of the other employes who were discharged at the same time Alexander Leamon was.—A. I could not do it.

5331. Q. What enabled you to recollect that other men were discharged at the same time?—A. I remember there was quite a gang of men discharged at the same time. Probably I was more acquainted with Leamon than with the others.

5332. Q. You may give me the year.—A. Can't do it.

5333. Q. You may give the system employed last fall and as inaugurated and in force for several years last past as to the starch-factory employes voting on election days.

(Objected to; implying the existence of a system, which is not proven.)

A. I do not know of any system.

5334. Q. You may give in explanation to the last question instructions that the bosses receive and that the men receive pertaining to the time and manner of going to vote, and what they are required to do upon their return from voting, and from whom they get permission to go and vote.

(Objected to as assuming that they do receive instructions, when there is no proof of it.)

A. I can't do it. I never received any instructions, so I can't do it.

5335. Q. Did you ever instruct your men as to the time of going to vote?—A. I never did.

5336. Q. Did you ever hear that the starch-factory employés were required to report after they returned from voting to Edward Sayre and other bosses, and also report before going?—A. I never did.

5337. Q. Are the employés permitted to go from the factory on election days at whatever hour or time they please without obtaining leave or any account being taken of their absence?—A. I should think not.

5338. Q. Will you swear that you do not know that they are not permitted to do so?—A. No, sir; I could not swear that.

5339. Q. And has not the starch-factory vote been uniformly Republican; and has it not been so cast for the past ten years up to and including last fall's election?—A. I could not say.

5340. Q. Has it not been so cast in your ward?

(Objected to as vague and indefinite.)

A. I don't know what the men vote. I do not know it to be a fact.

5341. Q. Have you not made it a point to notice and observe closely how the election in your ward has been going from year to year as you have been standing at the polls; and have you not considered yourself capable of telling about how the vote had been cast before the same was counted, from year to year, and was the same not true last fall?—A. I have guessed at it; have made it no point as to how the election was going. I don't think I have been capable of telling how the vote was cast before the counted.

5342. Q. Do you pretend to say that you go to the polls from year to year without a purpose in view or observing about how the vote is running?—A. I go there with a view, no doubt, but don't know how the vote is running through the day.

5343. Q. Do you think that a man who would lend himself to or enter into a scheme by which he was to observe and spot men when and how they voted at an election, if he was a boss or foreman in a large corporation whose head and front was Republican, and the employés of that corporation would know that they were watched and required to vote the Republican ticket, would acknowledge that he was guilty of such a thing when asked?

(Objected to as improper, and as calling for an opinion upon an abstract question of a supposititious case, and as immaterial. Notaries differ; Coon for exclusion of the evidence.)

A. That is a question that I can't answer in that shape.

5344. Q. Intimidation of voters being a crime punishable by indictment under the laws, would you acknowledge that you had been guilty of the crime of intimidation of voters if you were asked? Answer yes or no.

(Same objection as before; same difference of notaries.)

A. If I were guilty of anything, I should own up to it.

Adjourned to April 8, at 9 a. m., 1879.

April 8, 1879, met pursuant to adjournment.

Cross-examination continued of CHARLES BAKER:

5345. Q. Do you think that a man who would lend himself to or be guilty of intimidating voters to vote the Republican ticket against their will, either directly or indirectly, for the purpose of satisfying the de-

sires or wishes of his employers, if employed by a large corporation, where his situation was remunerative and valuable to him, would acknowledge the same if he could evade or avoid the same, and when he knew that he had been guilty of a crime in so doing?

(Objected to as before, and being in substance already asked, and as trifling with the time of the court. Notaries differ; Coon for exclusion of the evidence.)

A. I don't know what to think another man would do. I don't know of any other way to answer it.

5346. Q. When were you subpoenaed to appear here, by whom subpoenaed, and how much money did you receive?—A. I don't remember the day I was subpoenaed. I received my subpoena from Samuel Snody, and received seventy-five cents.

5347. Q. How many days have you been in attendance?—A. I think a part of five days and two whole days, besides to-day.

5348. Q. From whom did you obtain leave of absence to appear here when you appeared from day to day?

(Objected to as immaterial. Notaries differ. Coon for exclusion of the evidence.)

A. From Edward Sayres.

5349. Produce your subpoena. Did you not appear here on the 8th day of March? (Witness produces subpoena.)—A. I think it was on the 8th of March.

5350. Q. You were not subpoenaed five days before you appeared here, were you?

(Objected to as immaterial. Notaries differ. Coon for exclusion of evidence.)

A. I can't remember, but don't think I was.

5351. Q. Your subpoena, the one served upon you, did not require you to remain in attendance from day to day, did it?—A. I guess not.

5352. Q. If you cannot tell the difference in principle between the Democratic and Republican parties last fall and for several years prior thereto, why was it that you have been and was last fall so actively engaged on election days in taking part in behalf of the Republican ticket at the polls?

(Objected to as immaterial. Same subject gone into before, and as trifling with the time of the court. Notaries differ. Coon for sustaining the objection.)

A. I can't answer that question.

5353. Q. Has Mr. Kingsford, or Mr. Sayres, or any other boss or foreman in the starch factory ever said to you, or suggested to you, that by reason of public talk and common report about the intimidation of the starch-factory vote that you had better keep away from the polls on election day, or has Mr. Kingsford personally requested or ordered you to do so?—A. They have not.

CHARLES BAKER.

Sworn to and subscribed before us April 8, 1879.

WILLIAM W. GREEN, *Notary Public*.

S. M. COON, *Notary Public*.

*Deposition of Samuel C. Albro.*

SAMUEL C. ALBRO, being duly sworn, testified as follows:

5354. Question. Give your name, age, residence, and occupation.—

Answer. My name is Samuel C. Albro; am forty years of age; resi-

dence, East Utica street, between Eleventh and Twelfth streets, Oswego city, sixth ward; by occupation a cooper.

5355. Q. Do you know Thomson Kingsford?—A. I do.

5356. Q. Have you worked for him at any time?—A. I have.

5357. Q. When did you commence?—A. I think it was in 1872.

5358. Q. Have you had constant or occasional employment from him?—A. Constant employment.

5359. Q. Are you working for him now?—A. I am not.

5360. Q. When did you leave his service?—A. It was the 2d day of last November.

5361. Q. Have you worked for him since?—A. I have for the company. Mr. Gillet gave me the job.

5362. Q. What are your politics?—A. Republican.

5363. Q. And how long have they been Republican?—A. I have always been a Republican since the organization of the party. I voted for one Democrat, Franklin Pierce—the only Democrat I ever voted for.

5364. Q. Were you accustomed to work at the polls before you entered into the employment of Mr. Kingsford?—A. Yes, sir; I was.

5365. Q. Since entering his employ have you been any more active in politics than before?—A. Not as much.

5366. Q. You were not at work, then, for Mr. Kingsford or the factory at the time of last fall's election?—A. I was not.

5367. Q. Did you attend the election last fall?—A. I did not, only to vote; was at home, sick.

5368. Q. Do you know Valentine Sayles?—A. I do.

5369. Q. And you understand, do you not, that he has been a witness in this proceeding?—A. I do, sir.

5370. Q. Do you both vote at the same polls?—A. Yes, sir.

5371. Q. And you have met him there on election days?—A. I have.

5372. Q. Have you ever attended the polls for the purpose of watching the voting of the factory employes and to report the manner of their voting to Mr. Kingsford or at the starch factory?—A. I never have.

5373. Q. Have you ever received orders to do anything of that kind from Mr. Kingsford or any one in the factory?—A. Never.

5374. Q. Did you have a conversation with Mr. Sayles at the polls about two or three years ago last fall?—A. He made what I supposed was an insulting remark to me, and I tried to answer him in the same way. Had no conversation with him further than that.

5375. Q. You may state what occurred between you.—A. I stood at the polls in conversation with another gentleman, Mr. Samuel Snody, and Sayles approached me and tapped me on the shoulder and said to me, "Here is one of Kingsford's spotters; I wouldn't watch men for nobody." My reply to him was that "The government don't pay me for spotting." That was the end of the conversation.

5376. Q. What was Mr. Sayles's position at that time?—A. I don't know whether he was a marshal or supervisor of elections. I understood at the time that he was one or the other, or had been.

5377. Did Mr. Sayles say to you on that occasion "I see you are here to watch the boys again," and did you reply to him "I am," meaning by the word "boys" starch-factory employes?

(Objected to as improper; must give the exact language used by the witness, and not the substance or construction or meaning of counsel. Notaries differ as to the meaning part of the question; Coon for admission.)

A. He did not.

5378. Q. Did he on that occasion say to you, in substance, "I should

be ashamed to be in such business," meaning to charge you with watching the conduct of the factory employés at the polls, and did you reply to it, in substance, "Kingsford pays me all the same," or "My pay goes on all the same"?

(Objected to as improper and incompetent; should give the exact language used by witness, and not the meaning or construction of witness or counsel.)

A. He did not, and I did not.

5379. Q. Did you on another occasion, Mr. Albro, either prior or subsequent to the last, have a talk with Mr. Sayles in which he asked you, in substance, what plan was adopted to hold every man that went to work there (meaning the starch factory) to vote the Republican ticket, and to which you replied you could not tell, and were then asked by Mr. Sayles why, and to which you responded it was a forbidden subject?

(Objected to as before.)

A. I did not, never; nor him with me.

5380. Q. Do you know of any plan, or have you known of any, for compelling employés of the factory to vote the Republican ticket?—A. I do not, and never did.

5381. Q. Do you remember any conversation at the polls then or four years ago with Mr. Sayles—and, if so, state it—on the subject of the voting of the starch-factory employés, of a like import to that narrated?

(Objected to as incompetent, improper, and immaterial; should be confined to the conversation detailed by Mr. Sayles.)

A. I do not.

5382. Q. Did you have a conversation with Mr. Sayles after the conversation that you have already given, and relating to it? And if so, you may state what it was.—A. I did have a conversation with Mr. Sayles—I think about a month after the conversation at the polls of election. In the mean time I had heard of his report, and I met him on the street one night when I was going from my work, and I said to him: "You are a smart man to report such stuff about me." He says, "What?" I then told him that I heard he had reported that I had told him it did not make any odds to me if I was at the poll election-day, because my pay went on all the same; and he says, "Who told that?" I told him it did not make any odds, I was told of it; and his reply was it was a damned lie, that he never said so; but he said, "It is some of Frank Mitchell's lies." That was all that was said; have had no conversation with him about it since.

Cross-examination of SAMUEL C. ALBRO by H. D. BAKER, counsel for contestant:

5383. Q. How long have you resided in the city of Oswego?—A. I think I have been here since 1853; am positive.

5384. Q. And since the organization of the Republican party you have voted with it, and been known as a person of strong Republican predilections, have you not?—A. I have. I claim that honor, if there is any attached to it.

5385. Q. And how long have you resided in the sixth ward?—A. Ever since it was the sixth ward; have resided where I do now since 1856 or 1857.

5386. Q. When was you first employed in the starch factory?—A. I think it was in the fall of 1871.

5387. Q. Before or after fall election?—A. I went there the 5th day of September. It was before election.

5388. Q. Who was your boss at that time?—A. Samuel Harris.



5389. Q. And it is true that you attended at the polls in your ward in the fall of 1871?—A. I don't think I did; I am sure I did not.

5390. Q. Can you recollect where you was on election day in the fall of 1871, who you was with, and just what you were doing?—A. If it was the first year I went to the starch factory I can tell. I was running a Daniel's planer for Mr. Harris over to the starch factory. I was running it alone.

Adjourned to 2 p. m.

2 p. m. Met pursuant to adjournment, and cross-examination of SAMUEL C. ALBRO continued:

5391. Q. And did you work there at the time of the fall election in 1872?—A. I did.

5392. Q. And the spring election the same year?—A. I did.

5393. Q. And did you attend the polls at either of those elections?—A. I did not, only to vote.

5394. Q. Who did you vote for for mayor at the charter election of 1871?—A. I could not tell; did not pay enough attention to remember.

5395. Q. Do you recollect the year that Paige and Jenkins run for mayor?—A. I recollect their running, but could not tell the year.

5396. Q. Do you recollect the year that Colonel Doyle ran for sheriff?—A. I don't recollect the year, but know that he run for sheriff.

5397. Q. Was you working for Kingsford the year that Doyle ran for sheriff?—A. I think I was.

5398. Q. Since you have been in the employ of Mr. Kingsford at how many elections have you remained at the polls?—A. Three, I believe.

5399. Q. Give me those years.—A. Fall of 1876 and the spring of 1877, and the fall of 1877.

5400. Q. And was you docked in your pay at the factory for the days that you spent at the polls?—A. I can't tell.

5401. Q. Had you have been docked of your time on those occasions would you not have known it and recollect it?—A. I would not.

5402. Q. From whom did you obtain leave of absence to go to the polls on election days at the times you speak of?—A. From Mr. Givilt in the fall of 1876. Don't know who in spring of 1877; don't recollect; but in the fall of 1877 was at home, sick, and lived right near the polls.

5403. Q. Who first suggested to you to go to the polls on these election days?—A. Nobody.

5404. Q. Did Mr. Kingsford ever object to your leaving your work and staying at the polls on election day?—A. Not to my knowledge.

5405. Q. Did you stay at the polls last fall?—A. I did not.

5406. Q. You was not working for Mr. Kingsford at the time of last fall's election, was you?—A. No, sir; I left them two or three days before election.

5407. Q. And when did you again enter the employ of Mr. Kingsford?—A. I am not in the employ of Mr. Kingsford; am doing job work for them in the cooper-shop.

5408. Q. What work are you doing?—A. I am shaving hoops by the thousand.

5409. Q. Who pays you for your work?—A. Mr. Gillet gives an order into the office and Mr. Sprague pays me.

5410. Q. When did you commence getting out these hoops?—A. It was near the middle of February last.

5411. Q. Was you not subpoenaed, in behalf of the contestant in this matter, to appear and testify in his behalf on Wednesday, the 5th of February, and to appear on the 7th?—A. No, sir; I was subpoenaed to

appear on the 18th. I appeared on the same day I was subpoenaed. I followed the boy right down.

5412. Q. Was you subpoenaed before or after Valentine Sayles was sworn?—A. I could not tell; I don't know when he was sworn.

5413. Q. How many days had you worked for Kingsford before you were subpoenaed?—A. I think about two days. I was a good while in getting timber to work.

5414. Q. You had heard that this contest was proceeding before you was subpoenaed, had you not?—A. I presume I had. I generally read the papers.

5415. Q. And had you not had a talk with Valentine Sayles but a short time before you was subpoenaed about the starch-factory vote, at your house or in the vicinity of it?—A. No, sir; not a word.

5416. Q. You knew, did you not, that you was branded and known as one of Kingsford's spotters at the polls, or at least you had heard that name applied to you, had you not?—A. Never but once, and that from Sayles, as sworn to this forenoon.

(Contestant's counsel moves to strike out all after "never but once," as not responsive to his question.)

5417. Q. And after that remark was applied to you, you continued to remain at the polls, did you not, that day?

(Objected to as immaterial. Objection overruled.)

A. I did.

5418. Q. And you knew about all of the starch-factory voters and persons in the employ of Mr. Kingsford who resided in your ward at time, did you not?—A. No; I don't think I did know them all; I knew some of them.

5419. Q. You knew the most of them, did you not?—A. I don't think I did know the most of them.

5420. Q. You say you think you ought to know the most of them?—A. Yes.

5421. Q. The fall election of 1876 was very warmly contested, was it not?—A. I think it was.

5422. Q. Who first spoke to you or to whom did you first speak about testifying in this case in behalf of Mr. Mason?—A. I had no conversation with any one about the case any more than to pass remarks about it.

5423. Q. Have you ever talked with Joseph Dempsey or Charles Doolittle about it?—A. Have had no conversation with either of them; would not talk with Charles Doolittle.

5424. Q. Have you ever talked with J. B. Alexander, Lamoree, or John A. Place about your testimony in this case or about testifying?—A. I have talked with Mr. Alexander, but not with the other two.

5425. Q. Ever talked with Snody about it—Lamoree's messenger?—A. Not about my testimony.

5426. Q. Have you read the daily or weekly papers published in the city of Oswego for several years last past?—A. Yes, sir; more or less.

5427. Q. And have you not seen it charged in the public press that the starch-factory vote was intimidated into voting the Republican ticket, and that men were sent to the polls to watch how they voted?

(Objected to as immaterial and that the papers themselves are the best evidence. Notaries differ; Coon sustains the objection.)

A. I certainly have.

5428. Q. Notwithstanding these public charges in the press, neither Mr. Kingsford or any of his bosses or foremen at no time objected to

your leaving your employment and going to the polls to work—to electioneer—or instructed you not to do so, did they?—A. No, sir.

5429. Q. When were you subpoenaed to appear here, and paid how much?—A. I was subpoenaed last night to appear here to-day, and paid 75 cents.

5430. Q. Who subpoenaed you?—A. A youngster, or young man. I did not know him.

5431. Q. What other men from the starch factory have you seen at the polls attending there on election days electioneering on behalf of the Republican ticket or staying there for other election purposes?—A. I have seen John Conner and Frederick Croft. They are the only ones.

Redirect examination of SAMUEL C. ALBRO by J. B. ALEXANDER, Esq.:

5432. Q. How many starch-factory employes or employees of Mr. Kingsford do you know in your ward—voters?—A. I can't think of but six that are there now besides myself.

5433. Q. And were there any more there at last fall's election?—A. No, sir; that is all I can remember anyway.

SAM'L C. ALBRO.

Subscribed and sworn to before us April 8, 1879.

S. M. COON, *Notary Public.*

WILLIAM W. GREEN,  
*Notary Public.*

(See hereinafter the heading next before question No. 5483.)

*Deposition of Thomas Walpole.*

THOMAS WALPOLE, being duly sworn on this 8th day of April, 1879, testifies as follows:

5434. Question. Give your name, age, residence, and occupation.—Answer. Thomas Walpole; age is forty-one 27th of last October; residence, 147 West Third street, Oswego; by occupation, a teamster.

5435. Q. In what ward do you reside?—A. In the fifth ward.

5436. Q. What are your politics?—A. Republican.

5437. Q. Have you worked for Mr. Kingsford?—A. I have been working for him for eleven or twelve years with teams, doing his carting.

5438. Q. Did you work about the new building last fall on West Seneca and First streets?—A. Yes, sir; had a team at work there—three or four teams in all.

5439. Q. Did you work at the polls on election day last fall?—A. No, sir.

5440. Q. You were acquainted with a good many of the common laborers engaged on the new building last fall, were you not?—A. Yes, sir.

5441. Q. Do you know of any instance or instances where such laborers were either hired to work on that building or discharged therefrom for political considerations?—A. No, sir.

5442. Q. Do you know of any obstacle that was put in the way of such laboring employees to hinder them from voting as they saw fit?—A. No, sir; I do not.

5443. Q. Did you hear any complaints among them based upon that ground?—A. No, sir.

5444. Q. Have you ever known Mr. Kingsford or any of his bosses or foremen of his factory to try to coerce any of the employees into voting contrary to their wishes?—A. No, sir; I have not.

5445. Q. Your business last fall was particularly with the laboring men—common laborers—was it not?—A. Yes, sir; and has been for ten or eleven years.

Cross-examination of THOMAS WALPOLE, by H. D. BAKER, contestant's counsel:

5446. Question. How long have you been engaged in the business teaming?—Answer. About twelve years.

5447. Q. Were you so engaged before you entered the employment of Mr. Kingsford?—A. Yes, sir.

5448. Q. Did you ever vote the Democratic ticket?—A. Not the clean Democratic ticket; no, sir.

5449. Q. Prior to the time that you entered into the employment of Mr. Kingsford what ward did you reside in?—A. In the old third—now fifth ward.

5450. Q. And had you not uniformly prior to that time voted the Democratic ticket, and was you not known in that ward among your neighbors and the voters there as a Democrat?—A. No, sir.

5451. Q. What year was it that you entered Kingsford's employ?—A. About 1868 or 1869.

5452. Q. Can you remember who you voted for in the fall of 1867, and what office?—A. No, sir.

5453. Q. Do you remember the year that Jenkins and Paige ran for mayor?—A. I recollect of Jenkins running; but could not tell the year.

5454. Q. Was you then in the employ of Mr. Kingsford?—A. Yes, sir.

5455. Q. And for whom did you vote?—A. Can't tell; it was so long ago.

5456. Q. To the best of your knowledge and belief did you not vote for Mr. Paige?—A. I could not say; don't recollect.

5457. Q. Is it not true that since you have been in the employ of Thomson Kingsford you have always voted the Republican ticket except upon the occasions when you voted for Alanson S. Paige for mayor, James Doyle for sheriff, and for a Democratic alderman in the fifth ward when the Republicans had no candidate in the field, on which occasions of your so voting for these men the starch-factory vote and the men in the employ of Thomson Kingsford were cast in their favor?

(Objected to as improperly framed and as assuming that the witness voted for certain persons when there is no proof as yet that he did.)

A. I never voted for a Democrat except three times in my life; once was for William A. Poucher, once for John Gardner, when he run for supervisor at large, and once for Aaron Colnon.

5458. Q. You have been known in the starch factory, since you have been there, to the bosses and foremen as a Republican, have you not?—A. I don't know.

5459. Q. You have expressed your Republican predilections, have you not, in years past?—A. No, sir.

5460. Q. Have you not talked with your acquaintances and with men with whom you had come in contact, on politics, on different times and places?—A. No, sir.

5461. Q. Will you swear positively that you have not within the past five years expressed yourself to any one as being a Republican in politics?—A. I have expressed myself so.

5462. Q. And you have been a very close party man in your voting for the last ten or twelve years?—A. Always have.

5463. Q. And your friends and acquaintances, and persons who knew you in the ordinary and usual walks of life as a Republican, have you not?—A. Yes, sir.

5464. Q. And have you not been brought in almost daily contact with one or more of the bosses or foremen of the starch factory or surrounding works, or with Mr. Kingsford?—A. Yes, sir.

5465. Q. When were you subpoenaed and were paid your fees?—A. Yesterday. Paid seventy-five cents.

5466. You do not pretend to be able to say positively, and of your own knowledge, that no intimidation was practiced on any of the starch-factory employes or persons working under Mr. Kingsford, either by Mr. Kingsford or his bosses or foremen, at the last election, do you?—A. No, sir.

5467. Q. And you do not have the means of knowing upon what terms or what conditions were imposed when men were employed, when they entered the employ of Mr. Kingsford last fall, as affecting their political franchise?—A. I only know as to myself.

5468. Q. And you were not employed last fall for the first time by Kingsford, were you?—A. No, sir.

5469. Q. Have you been required to subscribe to any agreement and rules and requirements with Mr. Kingsford? If so, state when and where.—A. Nothing, only a contract for work; at his office; I think two years ago the 17th of April, and in May last year; about the 1st of May.

5470. Q. Did Mr. Kingsford sign the contract with you jointly?—A. Yes, sir.

5471. Q. By whom were the men employed upon the new building last fall hired?—A. I don't know.

5472. Q. If you don't know by whom they were employed personally, and of your own knowledge by being present at the time they were employed, then you are unable to state what terms or conditions were imposed upon them as affecting their employment and elective franchise, are you?—A. Only on myself.

5473. Q. And do you say that these men were then employed by the foreman?—A. I don't know.

5474. Q. What foreman employed you?—A. Mr. Sharp and John Brant.

5475. Q. Did you sign a contract with either of those men?

5476. Q. Is it true that on election days, both at charter and fall elections, you have seen one or more of the starch-factory bosses or foremen at the polls when you would go to vote?—A. Yes, sir.

5477. Q. And, as a rule, how many of these bosses would you see there, and where would they generally be located, as to the different approaches to the polls?—A. One or two; outside the polls, on the sidewalk near the polling place.

5478. Q. And have you received tickets from them?—A. I have sometimes.

5479. Q. Can you recollect from whom you received your tickets last fall?—A. I could not.

5480. Q. You will not swear that you did not receive your tickets last fall from one of the starch-factory bosses when you went to vote? Answer yes or no.—A. I am not positive.

5481. Q. For whom did you vote for governor at the last gubernatorial election?—A. I can't tell his name.

Adjourned to April 9, 1879, at 9 a. m.

April 9, 9 a. m., 1879. Met pursuant to adjournment, and cross-examination of THOMAS WALPOLE resumed.

5482. Q. Is it not true that you have seen bosses and foremen from

the starch factory at the different elections for several years last past, down to and including last election, standing at the polls and in close proximity to the ballot-box in your ward? Answer yes or no.—A. Yes, sir.

T. WALPOLE.

Sworn and subscribed before us, April 9, 1879.

S. M. COON,  
Notary Public.  
WILLIAM W. GREEN,  
Notary Public.

Adjourned to 2 p. m.

*Deposition of Henry L. Howe.*

HENRY L. HOWE, being duly sworn on this 9th day of April, 1879, testified as follows:

5483. Question. What is your name, age, residence, and occupation?—Answer. Henry L. Howe; age is forty-seven years; residence Oswego City, West Cayuga street, first ward; and by occupation an attorney and counselor at law.

5484. Q. Where did you reside in November last?—A. Sandy Creek, Oswego County, New York.

5485. Q. How long had you resided there?—A. I moved to Sandy Creek on the 10th day of July, 1861, and moved from there to Oswego, I think, the 26th day of November, 1878, and between those times had resided continuously in Sandy Creek.

5486. Q. You were engaged in the practice of the law, were you not, during your residence there?—A. Yes, sir, principally.

5487. Q. You have also been surrogate of the county of Oswego, have you not?—A. Was surrogate one term of four years during that period.

5488. Q. Have you held any other public office aside from surrogate during that time, and what office?—A. Yes, sir; I was assistant assessor of United States revenue for several years, could not tell how many; have been clerk of the board of supervisors two or three years, and was elected supervisor of the town of Sandy Creek in 1867, I think it was.

5489. Q. Your business brought you in contact, did it not, with the members of the various political parties last fall to a considerable extent?—A. Well, perhaps so, yes, sir; I gave more or less attention to it.

5490. Q. And you were as a general thing acquainted with the prominent men of the various political parties, and especially of the county?—A. Yes, sir; of the county and to some extent of the State.

5491. Q. And was not the financial question one of the principal topics discussed by politicians last fall?—A. I understood it to be the political issue substantially of the political parties.

5492. Q. And was not the Democratic party divided in sentiment upon that question?—A. I should say it was.

5493. Q. You may state how, as you understood it.—A. There were some I think, of the Democrats were inclined to favor the Greenback party, but not a great many of the Democrats of the third assembly district, in which I then resided, favored it openly.

5494. Q. And is it not true that some Democrats were so bitterly opposed to the Greenback theory that they refused to support any of the Greenback candidates that were also placed in nomination upon the

Democratic ticket?—A. I think that is so, especially as to member of Congress.

5495. Q. You are personally acquainted with Mr. Duffy, the contestant, are you not?—A. Yes, sir.

5496. Q. How long has that acquaintance continued?—A. Five or six or seven years; several; could not say how many.

5497. Q. How far does Mr. Duffy reside from Sandy Creek?—A. Six miles, in an adjoining town of Richland.

5498. Q. After he became the candidate of the Greenback party, and before he became the candidate of the Democratic party, did you hear him make any public speech?—A. No, sir; but heard him commence one at Sandy Creek.

5499. Q. Did you hear the speech that he then made subsequently discussed by Democrats?—A. I heard it discussed, but could not say whether by Democrats or not.

5500. Q. Was it made the subject of favorable or unfavorable criticism?—A. I should say unfavorable.

5501. Q. And in what respect unfavorable, or in what point?—A. I heard it said thus, that the speeches that were made by him and Northrup were not well received by their audience; that they started with a fair house, and had not to exceed twenty in the room when they got through. This is all hearsay. The criticisms that I heard were as to the inconsistent theories or arguments which he advanced on the financial questions.

5502. Q. After his nomination by the Democrats, did you hear him discussed by them?—A. I heard the nomination discussed somewhat.

5503. Q. Favorably or unfavorably?—A. By Democrats, unfavorably.

5504. Q. And in what particular, if you please?—A. The Democrats were generally displeased with the nomination, in our town at least.

5505. Q. What was their special ground of exception to his nomination?—A. Because he was a Greenbacker in principle, and favored inflation of the currency.

5506. Q. Did you hear of Democrats or know of Democrats refusing to support his nomination?

(Objected to by contestant's counsel, so far as the hearsay part is concerned.)

A. Yes, sir; I knew of some, and heard of some.

5507. Q. And was it on the ground mainly of his financial theories, or something else?

(Objected to as leading.)

A. I should say the objections were to some extent on the financial matters; and he was personally unpopular in Sandy Creek and in that locality.

5508. Q. And you may state the reasons why he was not personally popular in that neighborhood, as you understood them.

(Objected to by contestant's counsel, who is now present, as calling for the understanding of the witness instead of the facts; 2d, is no part of the issue joined between the contestant and contestee.

Notaries differ. Coon for admission of evidence.

Contestant's counsel further objects to any further examination on this subject as not being pertinent to the issue, and demands that the contestee's counsel file the answer in the case with the notaries; and claims that the notaries have not obtained jurisdiction without the filing of the answer.

Notaries differ. Coon for overruling the objection.)

A. Various things contributed to make him unpopular, among which

was the course that it was claimed he pursued in connection with his regent's examination in the Pulaski Academy. There were other things that made him unpopular among Democrats: They thought he went to the Greenbackers for policy, went to them to forestall the action of the convention to get a nomination; then claimed to be as good a Democrat as ever to get the Democratic nomination. They claimed him to be dishonest politically. There was a complaint by Democrats there in our town that the delegates in the Democratic Congressional convention did not carry out the wish of their constituents in that convention.

5509. Q. You attended at the polls in Sandy Creek on election day?—A. Yes, sir.

5510. Q. About what is the population of that village and town?—A. The village proper has a population of about eleven hundred; the town, including the village, about twenty-eight hundred.

5511. Q. Do you know of any Democrats that abstained from voting for Mr. Duffy?—A. Yes, sir; know that he run behind his ticket there considerably.

5512. Q. You may name any that you now think of that did not vote for him?—A. Azariah Wart did not vote for him, I might say voted against him. Hamilton E. Root I suppose voted for Judge Mason, and five or six others that I could name, who said publicly, or were present when it was publicly said of them, in presence of the inspectors of election, that they would not vote for Duffy.

5513. Q. You may give the names of those others.—A. F. D. Smith was one as I recollect; also George F. Smith, Myron Smith, E. L. Nye, Simon Prunyn, William T. Tift, I think

5514. Q. Was it now a matter of common report and public notoriety or matter of fact that a large number of Democrats, other than those you have named, refused to vote for Mr. Duffy? And if so, you may state the number according to such report in your town.—A. There were forty-five less votes cast for member of Congress than for judge of the court of appeals, which was the head of the ticket. There were seventy-seven less votes cast in the town for Mr. Duffy than there was for Bradley and Tucker, the Democratic and Greenback candidates for court of appeals.

5515. Q. Who is Azariah Wart, whom you have named as voting against Mr. Duffy?—A. He is a lawyer of Sandy Creek, understood to be a leading Democrat of that district, and has represented that district in the assembly of the State legislature. He has been clerk of the board of supervisors for several years, and I think a member of the board of supervisors; was a candidate last fall on the Democratic ticket for district attorney of the county.

5516. Q. Who was Mr. Tift, of whom you have spoken as voting against Mr. Duffy?—A. Quite a large real estate owner, and has been quite extensively engaged in handling produce; a produce dealer formerly, and understood to be an active Democrat.

5517. Q. How about Mr. Prunyn?—A. He is quite an old gentleman; farmer, and always has been a Democrat.

5518. Q. And the Smiths that you have spoken of?—A. They have been for several years in the manufacture of wagons, carriages, and sleighs.

5519. Q. Do you know, or have you heard of any fraudulent or improper measures that were used to promote the election of Mr. Mason and defeat the election of Mr. Duffy in the town of Sandy Creek?—A. No, sir.

H. L. HOWE.

Adjourned to 9.15 a. m. April 10th, 1879.



April 10, 1879. Met pursuant to adjournment.

*Deposition of Alanson S. Paige.*

ALANSON S. PAIGE, being called on this 10th day of April, 1879, and sworn, testified as follows:

5520. Question. What is your name, age, residence, and occupation?—Answer. Alanson S. Paige; age is fifty-three; residence, city of Oswego, West Second street, third ward; occupation, shade-cloth manufacturer.

5521. Q. What are your politics?—A. Am a Democrat.

5522. Q. And how long have you resided in this city?—A. Twenty-nine years, it will be to-morrow morning.

5523. Q. You have never been a Republican in politics?—A. No, sir.

5524. Q. You have been mayor of this city, have you not?—A. Yes, sir.

5525. Q. For how many successive terms?—A. Four.

5526. Q. You have also represented this assembly district in the State legislature?—A. Yes, sir; have been member of assembly.

5527. Q. Are you acquainted with Judge Mason and Mr. Duffy?—A. Am not acquainted with Mr. Duffy, but am acquainted with Judge Mason slightly.

5528. Q. You knew of Mr. Duffy's nomination by the Greenback party last fall?—A. Yes, sir; heard of it.

5529. Q. And of his subsequent nomination by the Democratic party?—A. Yes, sir.

5530. Q. Did you not understand the financial question to be one of the principal issues of that campaign?—A. Yes, sir; so regarded.

5531. Q. There was a division of sentiment, was there not, among Democrats last fall to some extent?—A. So far as my knowledge extends there was not so much difference among Democrats in regard to the financial question in this section.

5532. Q. What did you understand the Democratic idea to be on that point—for hard money or inflation?—A. For hard money.

5533. Q. And that was the view of the prominent Democrats, was it not, in this vicinity, as you understood it?—A. Yes, sir; so far as I know.

5534. Q. And the indorsement of Mr. Duffy by the Democratic convention, after his espousal of the Greenback cause or theory, did not meet your approval, did it?—A. It did not; no, sir.

5535. Q. Nor, so far as you know, the approval of other leading Democrats in this city?—A. No, sir.

5536. Q. Did you vote for Mr. Duffy last fall?—A. No, sir.

5537. Q. Are you not credibly informed of a number of prominent Democrats in this vicinity who refused to support the nomination of Mr. Duffy?

(Objected to as incompetent and improper; immaterial as to his information. Notaries differ; Coon for admission.)

A. I have very little information on the subject. Yes; so I am informed.

5538. Q. Can you name any prominent and influential Democrat who cordially and heartily supported Mr. Duffy's nomination last fall?—A. I don't know of any such.

5539. Q. And you came in contact, did you not, with such men as DeLoss DeWolf, Albertus Perry, Edwin Allen, and W. G. Robinson?—A. Politically speaking, I don't know that I had any conversation with these gentlemen on the subject, or not much.

5540. Q. But you did with some of them to some extent, did you not?—A. Yes.

5541. Q. You did not conceal your dissatisfaction with that nomination, did you?—A. I did not.

Cross-examination of ALANSON S. PAIGE:

5542. Q. How long have you resided in the city of Oswego?—A. Twenty-nine years—will be to-morrow morning.

5543. Q. And what has been your occupation during that time?—A. Generally in the lumber business, and more recently in the shade-cloth manufactory.

5544. Q. And you claim, do you not, during the time to have been a Democrat; do you not?—A. Yes.

5545. Q. And have you at all times advocated the principles of the Democratic party, and voted with and for the Democratic nominees on national and State elections?—A. I have always advocated Democratic principles and voted the nominees with few exceptions.

5546. Q. You have at all times held yourself out and forward as a politician, and as a Democrat, in support of the Democratic party and their nominees, have you not?

(Objected to as calling for the same answer as the previous question, and as being substantially the previous question.)

A. I have never held myself out as a politician at all. I always have as a Democrat. Just as I said before, with few exceptions, supporting the nominees.

5547. Q. You are personally acquainted with Thomson Kingsford, are you not?—A. Yes, sir.

5548. Q. And you know him to be at the head of a large corporation in the city of Oswego, employing a large number of men who are voters in the city of Oswego?—A. I know him to be the manager of a large corporation. Yes, sir.

5549. Q. And what do you understand his political predilections to be, Democratic or Republican?—A. Republican.

5550. Q. And is it not true that he has been prominent as a Republican in the politics of the city of Oswego and known as a prominent Republican?—A. Yes.

5551. Q. And for what length of time has he been so known?—A. Ten or fifteen years—ten years.

5552. Q. In what year did his father die, to the best of your recollection?—A. To the best of my recollection I should say ten years ago.

5553. Q. You may give the given name of Thomson Kingsford's father?—A. His name was Thomas, I think.

5554. Q. And was he not a well-known and prominent Republican?—A. Yes.

5555. Q. And for how many years had you known his father to be the head and front or managing agent of the Oswego Starch Factory, and also known him to be a Republican prominent in the party and in political circles?—A. He was manager in the factory from the time it started till his death—that is, from the time I came to Oswego to the time of his death, I mean. My first information in regard to his politics dates back to the formation of the Republican party, as a prominent Republican, to 1860.

5556. Q. And from that time to the time of his death he was known as a Republican politician, was he not?—A. I regarded him as a prominent Republican, but never as a politician.

5557. Q. You knew him as an active Republican, did you not?

(Objected to as immaterial and too remote to affect this issue, and not legitimate for cross-examination. Notaries differ. Coon sustains the objection.)

A. Yes.

5558. Q. And do you not think, and believe, that in his position as the manager of a large corporation, and employing and managing in the neighborhood of a thousand men, from year to year, at different times, that he exercised large political influence over his employés, by reason of his being such manager and employer, and his well-known and prominent predilections in favor of the Republican party?

(Objected to as before, and as assuming the existence of certain facts not proven, and as calling for belief.)

A. Yes. I don't know about the thousand men employed. He employed a large number of men; can't give the number.

5559. Q. Who do you understand to be the manager of the Oswego starch factory, and who was at the time of last fall's election?—A. Thomson Kingsford.

5560. Q. And was he not prominent as a manager, in the management of the Oswego starch factory, and in the Republican party, for several years prior to his father's death?

(Objected to as before.)

A. I don't know.

5561. Q. Do you not believe that he has taken the position of his father, in the management and control of the Oswego starch factory, since his father's death?

(Objected to as incompetent and immaterial, and calling for belief. Notaries differ; Coon sustains the objection.)

A. Yes.

5562. Q. And by reason of his position and succession of his father, and his well-known political Republican predilections and prominence as a Republican, do you not honestly believe that he exercises and controls a great political influence over the large number of voting employés under his management in the Oswego starch factory and its surrounding works, and has it not been so stated and charged, both by common talk upon the streets of the city of Oswego and in the public press—both the Republican and Democratic press, or either of them?

(Objected to as before, and the further objection that the files of the papers are the best evidence of any charges. Notaries differ; Coon sustains the objection.)

A. I don't believe that Mr. Kingsford uses undue influence.

(Contestant's counsel moves to strike out this answer, so far as made.)

Witness continues: I think he does exercise great political influence over them. I don't know as the Republican press ever said much about it; but it has been so talked among the Democrats, and in the Democratic paper.

5563. Q. From your knowledge of the vote cast by the employés of the Oswego starch factory, as observed by you at the last fall's election, and for several years prior thereto, has it not been uniformly cast Republican?

(Objected to as immaterial, and that witness does not yet appear to know how the vote was cast.)

A. That is a matter that I have no knowledge of. No; it has not uniformly, from my observation.

5564. Q. From what you have observed, and the attention you have paid to the returns of the different elections held in the city of Oswego, including last fall, and for ten years prior thereto, do you not think and

believe that the votes of the voters employed in the Oswego starch factory and surrounding works, in the employ of Thomson Kingsford, has been uniformly cast for the Republican party?—A. No.

5565. Q. Repeat what you have observed and the attention you have paid to the returns of the different elections held in the city of Oswego, including last fall and for ten years prior thereto; do you not think and believe that the votes of the voters employed in the Oswego starch factory and surrounding works in the employ of Thomson Kingsford has been generally cast for the Republican party?

(Objected to as calling for the belief of the witness and not his knowledge, and as immaterial, and should be confined to the vote of last fall. Notaries differ. Coon sustains the objection.)

A. No.

5566. Q. You may give me the year, the names of the candidates, and for what office they ran, when the starch factory vote was cast for a Democrat, other than when cast for yourself and Col. James Doyle.

(Objected to as assuming that the starch factory vote has been cast for the witness and Colonel Doyle.)

A. I think at every election the majority of the starch factory vote has been cast for the Democratic ticket. That is my opinion. I have reference to the votes and employes of the starch factory.

5567. Q. I understand you then to say that, in your opinion, the majority of the voters in the starch factory are Democrats?—A. Yes, sir.

5568. Q. And the majority of the voters in that factory reside in the third, fifth, seventh, sixth, and fourth wards of the city, do they not?—A. I have not the least knowledge as to that fact, except as to Mr. Scribner and Mr. Rassmussen.

5569. Q. And do you not know Rassmussen and Scribner to be Republicans?—A. I know Mr. Scribner to be a Republican, and suppose Mr. Rassmussen is—have no doubt he is.

5570. Q. Are you ready and willing to swear that the votes of the starch factory employes and surrounding works, or employes of Thomson Kingsford or the majority of such employes, or any part of them, voted the Democratic ticket last fall or had voted it within the past ten years on any other occasion than when you and Doyle were candidates, and you received their support?

(Objected to as improper, as assuming that Mr. Paige and Mr. Doyle received those votes, and as immaterial, whether he is willing or not willing to answer. Notaries differ. Coon for sustaining the objection.)

A. No; I am not.

5571. Q. You were the Democratic candidate for mayor against Mr. Jenkins, the Republican nominee, was you not?

(Objected to as immaterial. Objection overruled.)

A. Yes.

5572. Q. In what year?—A. I think in 1870 or 1871.

5573. Q. You may give as near as you can the vote of the city at that time and your majority.—A. I don't recollect what the majority was, but think it was something over six hundred.

5574. Q. And did you not understand that at that time Mr. Kingsford had a personal feeling toward and against Mr. Jenkins, your opponent, the Republican candidate?

(Objected to as immaterial. Notaries differ. Coon for sustaining the objection.)

A. No, sir.

5575. Q. Is it not true, Mr. Paige, that you have understood and believed that you received the support of Mr. Kingsford and the starch

factory employes in that election?—A. No, it is not. I have had no conversation with Mr. Kingsford or his foreman. I did not believe it.

5576. Q. There was at that time in existence and published in the city of Oswego a Republican paper called "The Press," was there not?—A. I believe there was.

5577. Q. Did you read that paper?—A. Not as a general thing. I looked at it occasionally. I was not a subscriber, I think.

5578. Q. Is it not true that that paper, although Republican, publicly charged intimidation of the starch factory vote by Thomson Kingsford in your favor at that election?

(Objected to, that the files of the paper are the best evidence, and that the witness has not shown himself competent to speak on the question, not having been a reader of the paper.)

A. Not to my knowledge.

5579. Q. Will you swear that it did not?—A. No.

5580. Q. Can you single out and give me an election when the starch factory vote was cast Democratic within the past ten years?—A. No.

5581. Q. Do you not believe, from the election returns and from what you have heard and observed, that Thomson Kingsford, manager of the Oswego Starch Factory Company, was strongly in favor of the election of Judge Mason last fall, and that Mason received the support at the polls of the starch factory employes?

(Objected to except as to so much of the question as calls for his knowledge. Notaries differ; Coon for sustaining the objection.)

A. I believe Mr. Kingsford was in favor of Judge Mason. I believe the majority of the votes were cast for Mr. Duffy.

5582. Q. Did you attend the polls at last fall's election?—A. I did not.

Adjourned to 2 p. m.

2 p. m. Met pursuant to adjournment.

5583. Q. Do you recollect the year that Colonel Doyle ran for sheriff against Mr. Brown?—A. Could not name the year; some years ago.

5584. Q. And was you at the time that you ran for mayor or that Doyle ran for sheriff prominent or active in the councils of the Democratic party in regard to the management of elections?—A. I was not very prominent, neither very active.

5585. Q. Did you take an active interest or part in the campaign when you ran for mayor against Jenkins?—A. I was in Rochester that day. Had very little to do with the campaign; was absent most of the time. Jenkins ran twice; the second time I was at home.

5586. Q. Was the paper called The Press in existence the second time you ran?—A. I think it was, but am not positive.

5587. Q. For the past ten years at least you have been known and recognized as a prominent and leading Democrat in political circles in the city of Oswego, have you not?—A. Yes.

5588. Q. And during that time you have counseled with and been counseled with in the matter of campaigns on the part of the Democratic party, have you not?—A. Yes.

5589. Q. And being a candidate for election under a nomination from the Democratic party, and being a Democrat and having the interests of the Democratic party at heart, you were solicitous and desirous of being elected?—A. Yes.

5590. Q. And the same was true when you ran for member of assembly?—A. Yes, sir.

5591. Q. And will you swear positively that it was not understood

and agreed upon between the managers of the Democratic party and Mr. Thomson Kingsford, that he, Kingsford, was to use his influence in your interest and for your election ? Answer yes or no.

(Objected to as immaterial and an improper subject of cross-examination, and that counsel cannot dictate the form of the witness's answer. Notaries differ ; Coon for sustaining the objection.)

A. I will not swear positively.

5592. Q. You may give me the name or names of any of Thomson Kingsford's employés, within the starch factory or elsewhere, whom you know to have voted the Democratic ticket last fall, and that you can swear to positively.—A. I know of no one.

5593. Q. If you cannot give the name or names of any of his employés, or employés of the starch factory last fall, how is it that you are enabled to swear that the voters of the starch factory cast their votes as Democrats ?

(Objected to on the ground that the question assumes that the witness has so sworn, when he has not.)

A. From general reputation of the political character of the men—of the employés.

5594. Q. I then understand you to mean by your testimony that from common repute in the city of Oswego the men in the employ of Thomson Kingsford, both in the starch factory and elsewhere, are of Democratic predilections ?—A. Yes ; that is the general reputation of the men.

5595. Q. And I am further given to understand, am I not, that you are not willing or ready to swear positively that his employés did vote the Democratic ticket last fall ?—A. Yes.

5596. Q. Can you swear positively to any Democrat other than yourself who voted against Duffy and in favor of Mason last fall ?—A. No.

5597. Q. You voted for Hayes as against Tilden in the campaign of 1876, did you not ?—A. Yes, sir.

5598. Q. And Hayes was the Republican candidate for the Presidency at that time, was he not ?—A. Yes.

5599. Q. You also voted for the Republican candidate for mayor at the charter election of 1878, did you not ?—A. Yes ; for Corporal Phelps.

5600. Q. And at the several elections held intermediate the Presidential election of 1876 and the charter election of 1879 you voted for candidates on the Republican ticket, did you not ? Answer yes or no.—A. No.

5601. Q. Have you not at the different elections held intermediate between your voting for Mr. Hayes for President down to and including the charter election of 1879 voted for certain Republican candidates for office, other than Phelps ? Answer yes or no.—A. Yes.

5602. Q. And did you vote for Neal instead of Pearson for mayor at the last charter election ?—A. Yes, sir ; I did.

5603. Q. And was not Neal the Republican candidate for mayor ?—A. Yes.

5604. Q. Have you any personal acquaintance, and did you have, with Sebastian Duffy prior to last fall's election ?—A. No.

5605. Q. From your knowledge of Thomson Kingsford's Republican political predilections, and his standing in political circles in the city of Oswego as a Republican, do you not believe and is it not your opinion that he was desirous of the election of Judge Mason and of the defeat of Sebastian Duffy for member of Congress of this district ?—A. Yes.

5606. Q. Is it not true that for several years last past it has been

publicly charged, and been common talk on the public streets of the city of Oswego, that persons in the employ of the Oswego Starch Factory or Thomson Kingsford, or under the management of Thomson Kingsford, were required to vote the Republican ticket?

(Objected to as hearsay and immaterial. Notaries differ. Coon for sustaining the objection.)

A. Generally so among the Democrats—a good deal of talk of that kind.

5607. Q. Have you at any time in the past ten years heard Mr. Kingsford say, or heard by common talk and public repute in the city of Oswego, that he, Kingsford, had instructed and advised his employés that they could vote regardless of his political wishes or desires, or that he had given any public notice by posting up written or printed notices to that effect in and about the place or places where his employés were at work before elections?

(Objected to as immaterial. Notaries differ. Coon for sustaining the objection.)

A. No.

5608. Q. Have you within the past ten years, and including the last fall election, been at and visited one or more, or all, of the wards of the city on election days?—A. At last fall's election I did not. I don't believe that I ever visited them all except one year when I ran for assembly. I generally voted, and necessarily had to go to the polls to do it.

5609. Q. Is it not true that during the last ten years, up to and including last fall's election, that you have been at and visited the different wards of the city of Oswego at the different elections held intermediate that time?—A. Yes, I have frequently visited the polls at different elections.

5610. Q. Are you not acquainted with, or know by sight, William I. Rassmussen, Calvin S. Sumner, James A. Southwick, and have you not understood that they were bosses or foremen in the Oswego Starch Factory?—A. The man Sumner I never heard of before. I know Mr. Rassmussen and Mr. Southwick. I understood Mr. Rassmussen to be a contractor in the factory, and Southwick has something to do with the factory.

5611. Q. Have you not seen Mr. Rassmussen and Mr. Southwick at the polls in the third ward of the city on different elections within the last ten years taking an active part in the same in favor of the Republican party?—A. I have frequently seen them at the polls on election days. It was generally understood that they were working for the Republican party.

5612. Q. And you have also seen one or the other of them standing in close proximity to the ballot-box, have you not?—A. Have seen them standing about the polls. Can't say that I have seen them near enough to see the votes that were put in. I say no.

5613. Q. Have you not seen them standing close to the ballot-box?—A. No.

5614. Q. You may state what was the shortest distance you have ever seen either one of those two men standing to the ballot-box, or at the place or opening where the inspectors of election received their ballots?—A. I would say about ten feet, as near as I could guess.

5615. Q. And, as a rule, so far as you have been able to observe from your attendance at the polls, one or the other of them has occupied a position at or about that distance from the ballot-box, or where the inspectors received the votes?—A. I think one or the other generally were there.

5616. Q. And you have not heard it said on election days and at other times that either Rassmussen or Southwick, or both of them, were then at the polls to watch the starch factory employés how they voted, and has the same not been common talk?

(Objected to as hearsay and immaterial. Notaries differ. Coon for sustaining the objection.)

A. It was common talk among the Democrats.

5617. Q. Mr. Kingsford and you were on friendly terms last fall and are now?—A. Yes; for aught I know.

5618. Q. As you understood it, there was no material difference between the financial policy of the Democrats and Republicans last fall, was there?—A. So far as the State of New York was concerned, I don't regard it that there was.

5619. Q. And as you understood it Mr. Duffy was the candidate of the Democratic party for member of Congress last fall either by nomination or indorsement, was he not?—A. Yes.

Redirect examination of ALANSON S. PAGE:

5620. Q. With reference to the last question, did Mr. Duffy, in your opinion, fairly represent the sentiment of the Democratic party upon the financial question, and was not that the reason of your objection to him as the Democratic candidate?

(Objected to as calling for the opinion of the witness; 2d, that he has not shown himself to be possessed of sufficient knowledge to answer the question.)

A. He did not. That was my objection to him, and all the objection. I knew nothing about Mr. Duffy.

5621. Q. Mr. Page, was the conduct of Mr. Rassmussen and Mr. Southwick at the polls on occasions when you have observed them any more peculiar or different in any respect from that of Democrats or other Republicans whom you saw there?

(Objected to as incompetent, and calls for impressions or opinions instead of facts.)

A. No.

5622. Q. Did you have a suspicion at that time that either of those men was there for an improper purpose?

(Objected to on same grounds as above.)

A. No, sir.

5623. Q. In answer to your question No. 5606 (that question read to witness), you say generally among Democrats; now I ask you if it is your opinion, and if you believe, after giving the proper credence to what stories you may have heard about Mr. Kingsford's requiring his employés to vote the Republican ticket, and taking into consideration, moreover, your personal knowledge of Mr. Kingsford and of the reputation in which he is held in this city, that he has been guilty of requiring or compelling his employés to vote the Republican ticket contrary to their wishes, or that he has exercised any improper or undue influence over such employés?

(Objected to as incompetent and immaterial.)

A. No.

5624. Q. Have you any knowledge or suspicion that he employs men or discharges them upon political grounds?

(Objected to as before.)

A. No.

5625. Q. Did you not generally between the election of 1876 and the spring election of 1879 vote the Democratic ticket?—A. Yes.



5625½. Q. And why did you not support Mr. Pearson for mayor?  
(Objected to as incompetent and improper.)

A. I did not regard him as a Democrat, and he was a Greenbacker.

5626. Q. Have you had any talk with Thomson Kingsford at any time on political matters?—A. No.

5627. Q. At any time when you were a candidate for office has there been any bargain or arrangement, to your knowledge, by which you were to receive the support of Mr. Kingsford or, through him, of his employes?—A. None whatever.

5628. Q. You live in the same ward with Mr. Kingsford, do you?—A. Yes, sir.

5629. Q. Has he ever been a candidate for any office, to your knowledge?—A. No.

5630. Or has he ever sought for any office or political preferment of any kind.

(Objected to as immaterial and irrelevant. Notaries differ. Coon for admission.)

A. No, sir.

5631. Q. Do you know or have you any credible information that leads you to believe that there is a system inaugurated at the Oswego Starch Factory by Mr. Kingsford or his bosses or foremen by which the employes are intimidated in their political action, or by which they are compelled to vote or abstain from voting contrary to their wishes in the matter?

(Objected to as incompetent and improper.)

A. No.

Recross-examination of ALANSON S. PAIGE:

5632. Q. You answer that Mr. Duffy, in your opinion, did not fully represent the sentiment of the Democratic party on the financial question. In truth and in fact, you never held any conversation with him on that subject prior to election, and did not hear him make any public speeches prior to election, did you?

(Objected to as immaterial.)

A. No.

5633. Q. Why is it that you are so willing to swear that he did not fairly represent the Democratic party when you did not have, from your own statement, the personal knowledge whether he did or did not represent the sentiment of the Democratic party?—A. I did not swear that he did not represent the sentiment of the Democratic party. I swore that it was my opinion that he did not.

5634. Q. If you was not acquainted with the man and held no conversation with him and did not hear him make any public speeches expressing his political views, as a sensible man you could not consistently, truthfully, and honestly say, of your own personal knowledge, that he did not represent the sentiment of the Democratic party, or have any substantial reason to fairly form an opinion upon, could you? Answer yes or no.—A. Yes.

5635. Q. If you held no conversation with him and had no acquaintance and heard him make no speeches, then you could not have had the means of knowing personally his views upon the political situation so as to enable you to form an opinion to the effect that he did not represent the sentiment of the Democratic party, could you?—A. I think I would. I have no personal knowledge.

5636. Q. And if you had no personal knowledge, arising from your coming in contact with him, so as to ascertain and learn beyond a doubt

that his political views had not been perverted and misrepresented, you could not say fairly and in justice to yourself, as well as to Mr. Duffy, that the reason why you objected to him was that he did not fairly represent the Democratic party?

(Objected to, that the question is so obscurely framed that it does not permit of an answer.)

A. I think I could form a very correct opinion of Mr. Duffy's political opinions without any personal acquaintance with him, and think I could with justice to myself and Mr. Duffy.

5637. Q. Will you say that your opinion formed of Mr. Duffy before election, as to his political views, was not based on perverted and misrepresented statements of his real, honest, and life-long political views?

—A. Yes. I say it was not.

Adjourned to April 11, 1879, at 9 a. m.

April 11, 1879, met pursuant to adjournment.

Cross-examination continued of ALANSON S. PAIGE:

5638. Q. Is it not true, Mr. Paige, that yourself, Mr. John A. Barry, Hon. William A. Poncher, and the well-known and leading Democrats of the city and county of Oswego favored the nomination of Sebastian Duffy by the Democratic party for Congress last fall?—A. No; it is not true.

5639. Q. Did you counsel with leading Democrats and oppose his nomination before it was made?—A. Yes.

5640. Q. When and in what place and where did you counsel with the managers of the Democratic party, and you and they oppose his nomination?—A. The particular time and places I do not now recollect.

5641. Did you last fall cast your vote for and in favor of Judge Mason and against Mr. Duffy?—A. No.

5642. Q. Upon the question as to the resumption of specie payment there was little difference between your views and other Democrats and the Republican party, was there?—A. Very little difference as I understood it.

5643. Q. There were other issues were there not between the Democrats and Republicans in this State, and in the nation which were considered by the Democrats in Oswego and throughout the country as being of vital importance?—A. Yes.

5644. Q. Did you not understand and was it not understood among Democrats generally, so far as you know, that upon all of these issues between Republicans and Democrats, that Mr. Duffy's views were in unison with the Democrats?—A. No.

5645. Q. Upon what other issue, if any, than the return to specie payment, did you understand that Mr. Duffy was not in unison with the Democratic party?—A. I do not now recollect.

5646. Q. Do you believe that any considerable number of intelligent Democrats in the city of Oswego, who are in favor of specie payments, entertained any fear that in case Mr. Duffy was elected he and such other Greenbackers as should be elected can, by any possibility, control and prevent the resumption of specie payments, so long as both Republican and Democratic party were in favor of it?

(Objected as immaterial, vague, and indefinite. Notaries differ; Coon for exclusion of the evidence.)

A. Yes; if there was enough of those ducks elected.

5647. Q. You answer yes to the previous question. State why you can so answer as entertaining that opinion when the Democrats and

Republicans in the House are in favor of resumption and opposed to the Greenback doctrine, and the Greenback party so small.

(Objected to as immaterial, irrelevant, and as assuming that all Democrats and Republicans in the House are in favor of resumption.)

A. I decline to give my reasons. I don't want to enter into a discussion of this question.

5648. Q. Did you or any other leading Democrat, as far as you know or so far as you have been informed and believed, attempt to exercise any influence with Democratic voters at the last fall's election to prevent them voting for Duffy on the ground that he was opposed to the resumption of specie payments, or was there any organized opposition to him in the Democratic party of which you knew or had any knowledge of?—A. No.

5649. Q. Has it been the general understanding among the Democratic party of the city of Oswego for the last ten or fifteen years, and has the same been generally understood and believed that parties in the employ of the starch factory voted the Republican ticket uniformly, or nearly so, under the fear of being discharged from employment in case they refused to do so?

(Objected to as reopening the subject and immaterial and incompetent. Notaries differ. Coon for exclusion of the answer.)

A. I think that was the general belief of the party—not to say what I believed, but to say what others believed.

Second redirect examination by J. B. ALEXANDER, Esq., counsel for contestee:

5650. Q. As a rule were not leading Democrats ashamed of the nomination of Mr. Duffy, and did they not regard his nomination as one not fit to be made by the Democratic party?

(Objected to as incompetent and improper, and reopening the examination in chief.)

A. So far as I know I think they were sick, sorry, and ashamed of his nomination.

Recross-examination of ALANSON S. PAIGE:

5651. Q. Is it not true that Hon. William A. Poncher, John A. Barry, and Hon. John B. Higgins were known as leading and prominent Democrats last fall, and had they not been so known for several years prior?—

A. Yes.

5652. Q. And were they not last fall, and had they not been prior to that time, prominent in the councils of the Democratic party and in the management of the campaigns and of conventions, and has not at least one of them, the Hon. W. A. Poncher, been a delegate to the State convention the past two years?—A. Yes.

5653. Q. And are you prepared to swear positively that Poncher and Barry and J. B. Higgins, whom you have named as leading Democrats, did not favor his nomination when nominated by the Democratic convention?—A. No.

5654. Q. You were not present at, as a spectator or as a delegate to, the Congressional Democratic convention that nominated Mr. Duffy, was you?—A. No.

5655. Q. Is it not true that Mr. Duffy, as the Democratic candidate at the last fall's election, reduced the Republican majority of Madison County in this district, and the home of Mason, from at or about the average Republican majority of seven hundred to less than twenty of a Republican majority there?—A. I have no knowledge, except from the returns. I understood the Republican majority was very much reduced.

5656. Q. Having been so closely connected with the politics of the city and county, you may state what has been prior to last fall the average Republican majority of the county of Oswego and the Congressional district?—A. That I don't know; from fifteen hundred to twenty-five hundred, I believe, in the county, probably eight or ten hundred more counting Madison County.

A. S. PAGE.

Sworn to and subscribed before us, April 11, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

Adjourned to 2.30 p. m.

*Deposition of A. Z. McCarty.*

ANDREW Z. MCCARTY, being duly sworn and on examination, testified as follows:

5657. Question. What is your age, residence, and occupation?—Answer. I am seventy years of age; an attorney and counselor at law; residence at Pulaski, Oswego County.

5658. Q. How long have you resided in Oswego County?—A. Fifty-two years the coming 3d of July.

5659. Q. Have you represented this county in the State legislature and this district in Congress?—A. I have.

5660. Q. To what political party do you belong, and how long?—A. I have been attached to the Republican party from its organization.

5661. Q. Have you been familiar with the politics of the county during all of that period?—A. I have; considerably so.

5662. Q. What was the most important issue before the people in the last Congressional election in the selection of member of Congress, in your opinion?—A. The financial question, and the question of resumption of specie payments.

5663. Q. What do you understand to have been the position, upon those questions, of the greater part of the leading Democrats of this county?—A. There was some division, I think; many leading Democrats, whether the greater part I am unable to say, were hard-money men and in favor of resumption of specie payments at the time then fixed by law, January 1, 1879.

5664. Q. Are you acquainted with Sebastian Duffy, the contestant?—A. Yes, sir.

5665. Q. How long have you known him?—A. Six to eight years.

5666. Q. Is he a resident of Pulaski, where you reside?—A. Yes, sir.

5667. To what party did he belong in the early part of last fall's campaign?—A. The first I knew of his party attachment last fall was the Greenback party.

5668. Q. And was he their nominee for Congress?—A. He was; I so understand.

5669. Q. And do you understand him to be in favor of the repeal of the resumption law, so called, and of the large increase of the volume of irredeemable paper money; do you so understand?—A. I do.

5670. Q. After his nomination by the Greenbackers, do you understand him to have been taken up by the Democratic party of this district?—A. I do.

5671. Q. Did you meet Democrats from different parts of the county

last fall, and learn from them their views of that action of the Democratic party?—A. I heard considerable said on that subject by Democrats from different parts of the county.

5672. Q. From what parts?—A. More particularly from my own section and from the town of Albion, and I heard from the town of Sandy Creek, but not personally, my own town—Richland—and city of Oswego. I heard the matter discussed in different parts of the county.

5673. Q. What opinion or intention did you hear expressed by them as to the support of that nomination?—A. I heard a good deal of opposition expressed to it by Democrats; heard many say it would not go down, and some say that they would not vote it.

5674. Q. Speak more particularly in regard to the town of Richland, in which you reside?—A. I heard that very frequently in my town.

5675. Q. Have you heard Democrats say, since election, as to what their action was on the day of election?—A. On the night of election I heard a great many Democrats say or said in the presence of Democrats, that a good many Democrats must have voted against Duffy from the majority against him.

5676. Q. Was the correctness of that statement called in question when made, so far as you remember?

(Objected to as incompetent and immaterial.)

A. Only as to the extent of it, some claiming a good many and some less.

Cross-examination of ANDREW Z. McCARTY by H. D. BAKER, Esq., counsel for contestant:

5677. Q. Is it true that you have frequently held office since the organization of the Republican party; and, if so, what?—A. I have been register in bankruptcy since 1867, and have held no other office since 1857, since my term as a member of Congress expired.

5678. Q. And you have been prominent and active in politics, and have been anxious to further the cause of the Republican party, and to secure the election of its nominees, have you not?—A. I have; I have been reasonably so, I think.

5679. Q. And you was last fall desirous of the election of Judge Mason as against Mr. Duffy?—A. Yes, sir.

5680. Q. It is true, is it not, since you have known Sebastian Duffy, and so far as you have learned his past political record, he has been known as a Democrat?—A. I don't know that he had any political record until he was nominated, but I knew from conversation with him that he was a Democrat.

5681. Q. By reason of your being active and prominent as a politician have you not been acquainted with the average Republican majority in this county and Congressional district for several years past?—A. I have.

5682. Q. You may give what that average majority has been in the county and Congressional district.—A. I can only approximate. The majority in this county has varied from nothing to four thousand. It has varied in Madison County, I think, previous to the last election, from five or six hundred to twenty-five hundred or thereabouts, as Republican majorities.

5683. Q. Are you personally acquainted with Joseph Mason, who was the Republican candidate last fall for member of Congress?—A. I am, and have been for nearly twenty years.

5684. Q. And did you correspond with him or have any interviews with him personally about either his nomination or his election during

the last campaign?—A. I don't remember that I had any further correspondence with him than to send him the result in our town. I saw him once; think I wrote him a letter, and he me.

5685. Q. Where did you see him?—A. At my place, Pulaski.

5686. Q. When?—A. Previous to the election last fall, not immediately before. Can't give the exact time.

5687. Q. Do you not recall the fact that it was within ten days previous to the election that you saw him, or will you be willing to say positively that it was not within ten days?—A. I cannot say it was not within ten days, but think it was more than ten days.

5688. Q. Who was with him at Pulaski when you saw him?—A. No one that I remember.

5689. Q. Did you see him in Mr. Fenton's office?—A. I did not.

5690. Q. And did you not then and there canvass the political situation of the Congressional district?—A. We talked over matters—the political situation.

5691. Q. And at that time it is true, is it not, that he, Judge Mason, had great fears that he was not going to be able to carry the usual and ordinary Republican majority of Madison County where he resided?—A. I can't say what fears he had on the subject. I can't say anything definite.

5692. Q. There was a mutual interchange of opinion between you and him on that occasion, was there not, and is it not equally true that you are unable to say that you did not get your impressions as to the probable result in Madison County from him?—A. There was an expression of opinion between us, there was a talk over the political situation. There was something said, I think, about Madison, but whether I got my impression in regard to Madison County from him I can't say.

5693. Q. In the interview spoken of reference was undoubtedly made to the political situation in Madison County by both he and you, was there not?—A. There was reference made in talking over the matter to Madison County.

5694. Q. And are you now willing to say positively that Mr. Mason at that interview expressed fears as to the result in Madison County, or that he would run or was likely to run behind?—A. It occurs to me that he said something about some combination in one of the assembly districts that would enable his opponent to run ahead. I did not understand him to say that he was afraid of being beaten in Madison County, but that his majority would be reduced by reason of that.

5695. Q. Is it not equally true that in that interview he expressed himself that to secure his election he would have to rely upon Oswego County or Oswego City, or both city and county?—A. I don't know that he made any such expression to me.

5696. Q. Can you give the name or names of any other person or persons, residents of the village of Pulaski or the town of Richland or Albion, that he had an interview with at that time, or that you have since heard of?—A. I don't know of his seeing anybody in any other town than one. I heard of his seeing others in our town. I must correct this. I did hear of his seeing Mr. Peck, of Mexico.

5697. Q. Will you give the names?—A. He had an interview with Mr. N. B. Smith of our place. My impression is that he had mentioned that he had seen Mr. Fenton, but am not sure. I don't know of any others.

5698. Q. Were you assessed or did you pay voluntarily or contribute any money to further the election of the Republican ticket last fall? If so, state what amount and to whom paid.

(Objected to as immaterial and irrelevant. Notaries differ.)

A. I was not assessed that I am aware of, and did not pay or contribute.

5699. Q. Will you give the names of the persons who were managing the affairs of the Republican party in your village and town prior to and on the day of election?—A. Mr. Albert A. Maltby was one of the county committee residing at our place, and the most active men on election day and prior thereto were L. J. Hawley and L. M. Tyler, Mr. Maltby and Mr. Outterson, and others that I don't recall at this moment.

5700. Q. What do you know, if anything, as to Mr. Mason leaving money with one or more persons in Pulaski to be used in the furtherance of his election or for election purposes on the occasion of his visit there that you have spoken of, or of his sending money there either directly or indirectly?—A. I have no knowledge or information of any such transaction directly or indirectly.

5701. Q. Have you not heard by common talk or by rumor that money was used in the village of Pulaski the night before election and the day of election, or on the day of election, to purchase votes for Judge Mason?—A. I have never heard any such intimation.

5702. Q. Have you heard it canvassed at your place or any other place that money was used to purchase votes for Judge Mason? Please answer yes or no.—A. I have heard such a thing talked about.

5703. Q. It is true, is it not, that Mr. Duffy was nominated for member of Congress by the Democrats in convention assembled?—A. I don't know the precise form of his being presented.

5704. Q. As a general thing there is always some person or persons dissatisfied with nominations made by political parties, are there not?—A. There are very likely to be.

5705. Q. Upon the question as to the resumption of specie payment there was but little difference, if any, between the Democratic and Republican parties, was there?—A. I think the platforms were considerably alike.

5706. Q. You understood, then, that both parties were in favor of resumption January 1, 1879, did you not?—A. I understood that to be the position of the Republican party, and measurably of the Democratic party.

5707. Q. There were other issues, were there not, between the Democrats and Republicans in this State, and in the nation, which were considered by the Democrats and Republicans in the village of Pulaski and throughout the county of being of vital importance, was there not?—A. I think the leading issue was financial questions, and think the other issues were subordinate and so regarded.

5708. Q. Did you not understand or was it not understood generally, so far as you knew, after Mr. Duffy received the nomination from the Democrats, that upon the issues, other than the financial question, between the Republicans and Democrats, that Mr. Duffy's views were in unison with the Democrats?—A. I can't say that I understood anything on that subject.

5709. Q. Do you not recollect of Mr. Duffy announcing that his views were in accordance or in unison with the Democratic party?—A. I don't remember of hearing of any particular announcement on that subject.

5710. Q. Aside from the financial question, do you not believe that his political views were in unison with the Democratic party?

(Objected to as immaterial and incompetent. Notaries differ. Coon for exclusion of evidence.)

A. I have no definite opinion upon it.

5711. Q. Do you believe that any considerable number of intelligent Democrats in the village of Pulaski and town of Richland and in the county of Oswego who are in favor of specie payment entertained any fear that in case Mr. Duffy was elected, he, and such other Greenbackers as should be elected, could by any possibility control or prevent the resumption of specie payments January 1, 1879, so long as both Republican and Democratic parties were in favor of it?—A. I don't know anything about their fears or anxieties on the subject.

5712. Q. Did you know of any organized opposition among the Democrats against Mr. Duffy?—A. I don't know of any.

5713. Q. And do not know of your own knowledge that any of the Democrats you have referred to or spoken of did vote for Mr. Mason or against Mr. Duffy?—A. Only in one instance.

A. Z. McCARTY.

Sworn to and subscribed before us April 11, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

Adjourned to April 12, 1879, at 9 a. m.

April 12, 1879, met pursuant to adjournment.

Cross-examination of HENRY L. HOWE, who was examined in chief April 10, 1879, and whose cross-examination was deferred, by H. D. BAKER, Esq., counsel for contestant.

5714. Question. In what year and at what place, and with what political party, and for whom did you vote when you cast your first ballot?—Answer. In 1852, at the town of Palermo, county of Oswego, and State of New York; Whig, I think at that time, and for the electors for General Scott for President of the United States.

5715. Q. And did you continue to affiliate with the Whig party until its dissolution?—A. I did, until the formation in this county of the Republican party.

5716. Q. And from that time to the present you have affiliated with the Republican party and held offices under the Republican administration?—A. I have.

5717. Q. And you have taken an active part with the Republicans during that time up to and including last fall's election, have you not?—A. I should say somewhat; have taken more or less interest and been more or less active.

5718. Q. And you have been acquainted with the Republican majorities of the county of Oswego and county of Madison for several years last past, have you not?—A. Yes; as they have occurred, but not to treasure up in memory.

5719. Q. Is it not true that the average Republican majority at State and national elections for several years prior to the fall of 1878 had been from about seven hundred to one thousand majority in the county of Madison, and from twelve to fifteen hundred in the county of Oswego?—A. I don't know as I could speak so well as to Madison County, but should say that the Republican majorities in Oswego County have ranged from one thousand to thirty-five hundred.

5720. Q. And what was the pretended majority claimed by the Republicans for Mason last fall?—A. Could not give the exact figures, but my recollection is about seven hundred.

5721. Q. And was the Republican party united and harmonious with



the nomination of Judge Mason?—A. I should say they were what remained with the Republican party; some of them went with the Greenbackers; the others, as I understand it, were satisfied with the nomination.

5722. Q. When did the division in the Republican party take place that you speak of in your qualified answer to the previous question?—A. I should say that it commenced to take place with the organization of the Greenback party.

5723. Q. And was there not a large increase to the ranks of the Greenback party from the Republican party down to and including the fall of 1878?—A. I should think the increase came down and culminated at the fall election of 1878; I mean that the Greenback party was larger in the fall of 1878 than ever before, and was largely from the Republican party.

5724. Q. Mr. Duffy was nominated by the Democratic party in Congressional convention assembled, was he not?—A. So understood.

5725. Q. And was also nominated by the Greenback convention?—A. I suppose that is so; I only know of public notoriety.

5726. Q. And did you take part in the councils and management of the Republican party in the county or district?—A. I was not one of the committee; I conversed with leading men of the party.

5727. Q. You did not know of any regular and organized opposition in the ranks of the Democratic party against Mr. Duffy, did you?—A. No, sir.

5728. Q. Did you not hear, prior to the election, that there was a dissatisfaction existing among certain members of the Republican party in the county of Madison against Judge Mason, and do you not think that the election returns from Madison County cutting the Republican majority down from the year before to only three in favor of Mason was indicative of Mason's weakness in his own party?—A. I answer no to the first question. In reply to the last part of question, I could not say that I attributed it to that, but did attribute it to the strength of the Greenback element.

5729. Q. Mr. Howe, will you swear that at no time during that canvass you heard Republicans express doubts about or fear in regard to Mason's election?—A. I can't think now of any fears that I heard expressed. I heard Republicans say that it was impossible to tell the strength of the Greenback element in our own party; that there were often found men who had been life-long Republicans who, when pinned down, were found to be Greenbackers. I speak with reference to the town of Sandy Creek. No recollection of hearing any one express any fears as to the election of Judge Mason. I possibly might, but don't remember anything of that kind.

5730. Q. Will you swear that you did not hear it charged in any manner whatever that money was being used in the interest of and to further the election of Judge Mason last fall?—A. Previous to election I did not. Since that time I have heard charges of that kind made.

5731. Q. Did you contribute or pay or promise to pay any money towards carrying the election for and in behalf of the Republican ticket last fall?—A. No, sir.

5732. Q. Did you know the amount of money received by your committee last fall?—A. I could not tell exactly.

5733. Q. You were not a member of that committee, and was not taken into their counsels in all matters?—A. I suppose not. I conferred with them freely in the campaign.

5734. Q. Can you swear positively that a single Democrat of all the

number referred to by you in your examination-in-chief, voted for Mason and against Duffy last fall?—A. Yes, sir.

5735. Q. Do you know that fact by seeing their ballot and examining it as they deposited it in the ballot-box? Answer yes or no.—A. Yes.

5736. Q. Was you an officer of the election; and, if so, in what capacity?—A. I was not.

5737. Q. You may give the names and places of residence of those men that you can or are willing to swear positively voted for Mason and against Duffy. Democrats, of course.—A. Azariah Wait, of Sand Creek, Oswego County, New York; would not speak positively as to others.

5738. Q. And do I understand you to say that Mr. Wait voted the Republican ticket?—A. I could not tell what you understood me to say. I said he voted for Judge Mason and against Mr. Duffy.

5739. Q. And had you not known Mr. Wait to vote for Republicans for several years before that?—A. I never knew him to do a thing of that kind before.

5740. Q. For how many years had you known Mr. Duffy personally and politically?—A. I formed his acquaintance when he took charge of the academy. I can't tell the number; probably seven or eight years. I have always understood him to be a Democrat.

5741. Q. There was no material difference between the Democratic party and the Republican party, last fall, on the financial question, was there?—A. Take the party as a whole, I did not understand there to be much difference; in this district as a whole, the Democratic party did not agree with the Republican, because they presented a soft money candidate. So far as the national platforms were concerned, I think there was no material difference on the financial question.

5742. Q. There were other issues, were there not, between the Democratic and Republican party in this State and in the nation, which were considered by both parties in Oswego County and throughout the country as being of vital importance, was there not?—A. Perhaps so.

5743. Q. Have you not been consulted in the matter of this contest to act as, and be, one of Mr. Mason's counsel in the matter?—A. No, sir; perhaps not as counsel.

5744. Q. Have you not been advised with about the case by Judge Mason or some one in his behalf?—A. I have conversed with friends of his in regard to it. Have not with Mr. Lamaree.

5745. Q. Your sympathies are and have been strongly in favor of Judge Mason and his success in this case?—A. I should say so.

5746. Q. You have said that the Democrats in Sandy Creek were generally displeased with the nomination of Mr. Duffy; if so, how many can you now name who so expressed themselves and voted for Mason and against Duffy?—A. I can't answer that.

5747. Q. Was it not the truth that the statements made of the unpopularity of Sebastian Duffy in your neighborhood was by Republicans and not by Democrats?—A. No, sir; I heard it from both.

5748. Q. And was it not talked by the Republicans for the purpose of an electioneering measure?—A. I don't think that the remarks were made for political effect simply.

5749. Q. There was no issue joined between the Democrats and Republicans upon the school question last year, either as a national or State issue?—A. Not that I am aware of.

Adjourned to 2 p. m.

2 p. m., met pursuant to adjournment.

5750. Q. Is it not true that the Greenback convention, regularly assembled, put in nomination Mr. Smith, of the town of Hannibal, for member of Congress, instead of Sebastian Duffy?—A. I think it is.

5751. Q. And is it not equally true that some time after the nomination of Mr. Smith and his acceptance thereof, it was ascertained that by reason of his age, he was not eligible to the position as you understood it?

(Objected to as immaterial. Notaries differ.)

A. He agreed to be a candidate for some reason of ineligibility, as it was understood.

5752. Q. And did you not also understand that Mr. Duffy's name was subsequently placed upon the Greenback ticket as their candidate for member of Congress by a committee instead of by a regular called convention of Greenbackers?—A. I have no recollection of a second convention being called, but I understand that he was placed upon the ticket by a committee. I believe he was nominated by them.

5753. Q. And will you swear that it was not some three days after Mr. Duffy had been duly and regularly nominated by the Democrats for member of Congress in convention assembled, that he was so placed upon their tickets by the Greenbackers? Answer, yes or no.—A. I won't swear it was afterwards. I will not swear it was not three days afterwards.

5754. Q. Will you swear positively that it was any time before he was nominated by the Democrats that he was put upon the Greenback ticket? Answer yes or no.—A. I can't.

5755. Q. Name the Democrats who talked about him as forestalling the Democratic convention who were in hostility to him.—A. I don't know as I can give the names of all of them. I name Azariah Wart.

5756. Q. Name the Democrat who claimed him to be dishonest politically.—A. I should say Mr. Azariah Wart, Hamilton E. Root, and I think I heard Ebenezer L. Nye. I don't think of any other.

5757. Q. Was these statements as to his political dishonesty made before or after his nomination?—A. After.

5758. Q. Give the time and place.—A. I think I heard some of them speak of it on election-day, right in the hall where the election was held.

5759. Q. You have named F. D. Smith, George Smith, Myron H. Smith, E. L. Nye, Simon Prunye, William T. Tift as saying it or hearing it said of them in presence of the inspectors that they would not vote for Mr. Duffy. Can you swear positively that they or either of them so stated in person?—A. Yes, sir.

5760. Q. If so, which of them?—A. My best recollection is that I heard every one of them. I will name Mr. Wart, Mr. Root, and Mr. Tift particularly.

5761. Q. Can you swear positively in the presence and hearing of which of them such a remark was made as that they would not vote for Mr. Duffy?—A. Every one of them.

5762. Q. You may give me the name of one person using that remark, and to whom he addressed the remark.—A. Azariah Wart, and he addressed it to me.

5763. Q. On the day of the election?—A. Yes, sir; and within ten feet of the polls.

5764. Q. What time in the day was it?—A. My impression is that it was in the afternoon.

5765. Q. Are you not certain that it was the afternoon?—A. I think it was, but am not positive.

5766. Q. What time in the day did Mr. Wart vote; in the morning or afternoon?—A. I can't say.

5767. Q. You may give the time of the trains passing Sandy Creek that day coming to Oswego, and the time of the arrival there.—A. The train arrived there between eleven and twelve o'clock, and another a little after 3 p. m. from Oswego. They leave Sandy Creek about eleven o'clock in the forenoon and seven in the evening for Oswego.

5768. Q. Was not Mr. Wart in the city of Oswego on the day of election?—A. I should say so; and I would say that his voting was done in the afternoon. That is my recollection.

5769. Q. Are you as certain about the time that Mr. Wart voted at Sandy Creek and the time that he was there that day at the polls as you are about the declarations you have testified to?—A. I know what the declarations I have testified to, but have not attempted to fix the exact time of voting.

Redirect-examination by HENRY L. HOWE:

5770. Q. Has Mr. Root, of whom you have spoken, for many years been one of the leading Democrats in the town of Sandy Creek?—A. Yes, sir.

5771. Q. What official positions, if any, has he held at the hands of the Democratic party within the past ten years?—A. He has been supervisor of the town for three or four years, I should say.

5772. Q. Was his standing and popularity so great that he overcame repeatedly a large Republican majority in that town?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes.

5773. Q. How far is it from the city of Oswego to the village of Sandy Creek?

(Objected to as wholly immaterial and incompetent.)

A. I think by rail it is about thirty-three miles.

5774. Q. You have stated that Mr. Wart was the Democratic candidate for district attorney last fall; was not J. W. Shea, of Pulaski, N. Y., the Greenback candidate for the same office?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. He was.

5775. Q. And the home of these two candidates is how far apart?

(Objected to as immaterial.)

A. Six miles by road, a little more by rail.

5776. Q. Did you know of an effort having been made after the nominations by the friends of those candidates to induce one or the other to withdraw?

(Objected to as immaterial and irrelevant. Notaries differ. Coon for admission.)

A. There was an effort on the part of the friends of Mr. Shea to get Mr. Wart out of the field for Mr. Shea's benefit. I had it from the candidates themselves and other parties.

5777. Q. Did not Mr. Wart and his friends become particularly bitter against the local Greenback element by reason of measures taken to force Mr. Wart out of the field?

(Objected to as entirely immaterial and irrelevant to this issue. Notaries differ. Coon for admission.)

A. I should say the feeling was quite bitter.

5778. Q. Did not that feeling, in your judgment, result in a measure of

hostility in the third assembly district and especially in the towns of Sandy Creek and Richland on the part of leading Democrats toward the whole Greenback ticket?

(Objected to as incompetent and immaterial. Same difference.)

A. Yes, sir; I so understood it.

5779. Q. The town of Redfield seemed to have given a majority of the Democratic vote to Judge Mason instead of Sebastian Duffy. Did not Andrew S. Coey, then and now a Democratic side judge, reside in that town?

(Objected to: first, as assuming a fact not proven; second, as immaterial. Notaries differ.)

A. Yes, sir.

5780. Q. Did you learn with reference to his hostility to Mr. Duffy and the Greenback party?

(Objected to as incompetent and immaterial. Notaries differ.)

A. I had understood that he was opposed to Mr. Duffy, and that he was working for Mr. Mason.

(Contestant's counsel objects to the last part of the answer and moves to strike same out.)

5781. Q. You may state what you may know with reference to the causes which impelled Mr. Coey, as you understand, to openly oppose Mr. Duffy?

(Objected to as calling for the understanding of witness, irrelevant and immaterial. Notaries differ.)

A. He was opposed to inflation and the Greenback movement, was displeased with the nomination by the Democratic convention of a Greenbacker as a candidate, and displeased with the movement on the part of some to get Mr. Wart out of the field in favor of a Greenback candidate for district attorney; I think perhaps those were the principal things.

5782. Q. Did you understand Mr. Coey, and have you for several years past, to be the leading Democrat in the town of Redfield?—A. Yes, sir.

(Contestee's counsel objects to this examination on the ground that the same is not a re-examination and is an opening of the examination-in-chief or new matter.)

5783. Q. And did that feeling extend, as you understand, to a greater or less extent throughout the third assembly district, composed of eleven towns?

(Objected to as incompetent, irrelevant, and immaterial, and witness shows no knowledge. Notaries differ.)

A. Think the feeling was quite general in that district among Democrats and Republicans too, I might say.

5784. Q. Who was sheriff of the county, where did he reside, and what was his politics?

(Objected to as immaterial and irrelevant.)

A. Frank S. Low; residence, Pulaski, and unquestionably a Democrat.

5785. Q. Has he been one of the leading Democrats of the county during the past fifteen years?—A. I so considered him.

5786. Q. State his position, if you know.

(Objected to as incompetent, irrelevant, and immaterial.)

A. I understood him to be opposed to Mr. Duffy. I have talked with him. I gathered from his conversation, and conversation with others, that he was opposed to Mr. Duffy, and in favor of Judge Mason.

5787. Q. Did you talk with him before the election?—A. Frequently.

Recross-examination of HENRY L. HOWE by H. D. BAKER, contestant's counsel.

5788. Q. How long has Mr. Root resided in the town of Sandy Creek?—A. I don't know as I can give the exact time. I should think about since 1862 or 1863.

5789. Q. What year was he first elected supervisor, and who was his opponent?—A. I think in 1874. My impression is his opponent was E. C. Seeley, and was elected.

5790. Q. And by what majority was he elected the first time?—A. Can't say; somewhere from forty to sixty, I should say.

5791. Q. Was it not less than that?—A. Can't say positively; think it was not less than that.

5792. Q. Is it your opinion, as a politician, and as a citizen, that the majority that he received at that time over the man that he ran against upon the local issues attending that election shows him to be the very popular man and influential Democrat that you have spoken of him being?—A. I think it does.

5793. Q. Who did he run against, and when the second time?—A. My best recollection is that it was Mr. Ainsworth, but may be mistaken as to the year, but think it the following year, 1875.

5794. Q. Do you know his majority at that time?—A. Could not remember it.

5795. Q. Do you know, or is it not your belief that he voted for Ruth-erford B. Hayes for President in 1876, and against Tilden?—A. No, sir; I understand to the contrary.

5796. Q. What year was he in the board last?—A. In 1876, I think.

5797. Q. When Wart and Shea were candidates for district attorney on the Democratic and Greenback tickets, had they not received separate nominations at the instance of the two separate conventions in the fall of 1878?—A. I understand Mr. Wart received the regular nomination of the Democratic convention, and Mr. Shea of the Greenback.

5798. Q. And one Benjamin F. Chase was the regular Republican nominee for the same office, was he not?—A. Yes, sir.

5799. Q. And is it not true that Shea and Wart, the Greenback and Democratic candidates, received a plurality of all the votes cast in Oswego County?—A. I could not tell without looking at the figures.

Witness examines and says: By examination of the official report of the board of supervisors, I find that Mr. Wart and Mr. Shea together had 7,573 votes and Mr. Chase 6,659, about 914 plurality.

5800. Q. Will you undertake to say that there was not an effort made on the part of the Republicans to have Mr. Wart withdrawn in favor of Shea, and was not an effort of that kind a feeling to have that accomplished coextensive with the county to defeat Mr. Chase, who was somewhat unpopular with the Republicans?—A. I am not aware of it.

5801. Q. Mr. Wart had frequently, prior to this time, been a candidate for office, had he not?—A. I think his party had run him several times, but not at his solicitation that I am aware of.

5802. Q. Do I understand you to say now that the opposition to Sebastian Duffy, as claimed by you, arose from the local quarrel between Shea and Wart and their friends, as you have just spoken of?—A. I don't know what you may understand; I have not said so.

5803. Q. And are you prepared to say that Root and Wart and Coey, in fact they voted against Duffy and in favor of Mason, did not do so because of the local trouble you have testified to?—A. I say as before that the local trouble contributed to it.

5804. Q. Was not Mr. Dowdle, the Democratic candidate for treasurer.

run and known as a Greenbacker?—A. I suppose so; I so understand it.

5805. Q. And you heard no objections or complaints from men you have named about Dowdle being a Greenbacker, and their voting for him?—A. I did not hear anything said in regard to it that I remember of.

5806. Q. And do you not believe that each and every of them voted for Dowdle?—A. Not having heard them canvass it, I have no reason to believe but what they voted the straight Democratic ticket on treasurer.

5807. Q. And is it not true that Dowdle was known and run as a Greenbacker under a nomination from the Greenback convention, instead of a nomination received directly from the Democrats in open convention assembled?—A. My recollection is that Mr. Dowdle was nominated by the Democratic convention, and that the Greenback nominee withdrew and Mr. Dowdle was put in his place, but I may be mistaken.

5808. Q. Is it not your recollection that he was known as a Greenbacker?—A. My recollection is now, upon reflection, that he was not a Greenbacker, and was not known as such.

5809. Q. Will you say upon reflection that the official returns in the county clerk's office do not show him to have been run as a Greenback candidate?—A. I don't know what the county clerk's office shows; I am giving my recollection of the facts.

5810. Q. Where did you first hear of the local disturbance between Wart and Shea? Give it as near as you can.—A. Don't know as I can give the date; a couple or three weeks before election I should say.

5811. Q. Which was nominated first, Shea or Wart?—A. I think Shea was.

5812. Q. Will you say that Mr. Wart did not attempt to obtain that nomination, the Greenback?—A. I am not aware of any such thing.

Adjourned to April 14, 1879, 9 a. m.

April 14, 1879. Met pursuant to adjournment, and adjourned until 2 p. m.

Recross-examination of HENRY L. HOWE resumed on this 14th day of April, 1879.

5813. Q. Is it not true that Mr. John Dowdle, present treasurer elect, was a candidate before the Greenback county convention, and defeated there by Charles Newell, whom they made their candidate?—A. If true, I was not aware of it.

5814. Q. Is it not true that he, Dowdle, announced himself to the public, before the convention was assembled or called, as a Greenbacker, and presented his name then as a candidate as Greenbacker? Answer yes or no.—A. I am not aware that that was a fact; I can't say it was not.

5815. Q. Will you swear positively that he, Dowdle, did not announce himself as a Greenbacker and go before the Greenback convention for a nomination, and was there defeated by Charles Newell, and that Charles Newell did not immediately resign the nomination, and he, Dowdle, put on the ticket in his stead, and that he did not put himself before the public for election as a Greenbacker instead of a Democrat? Answer yes or no.—A. I never so understood it.

5816. Q. Will you answer, and are you willing to go upon the record as a politician or as a man conversant with the history of last fall's campaign, that John Dowdle was the Democratic nominee and candi-

date for county treasurer? Answer yes or no.—A. I understood him to be the Democratic candidate, and understood him to be nominated as such; I don't swear to anything that I don't expect to go upon the record.

5817. Q. Was you paid, and did you actually receive any fees for attending here as a witness?—A. I was, but not to-day.

5818. Q. You may state how many days you have been in attendance and how much you have received?—A. I have received 75 cents; have been in here on three different days.

5819. Q. Was not John Dowdle the treasurer of the Greenback county committee, or did you not so understand it?—A. I have no knowledge or information in regard to it.

5820. Q. Will you swear that you did not know or learn that it is not a fact that John Dowdle was placed upon the Democratic ticket for the office of county treasurer but a few days before the election, and some time after the Democrats had held their convention?—A. That may have been so; I could not say as it was not.

5821. Q. You may give as near as you can Dowdle's majority over the Republican candidate for county treasurer?—A. The official report shows twelve hundred and three majority.

5822. Q. Was not Hon. W. A. Poncher, Bartholomew Lynch, Nathan M. Rowe, John A. Barry, De Lass De Wolf, Hon. John B. Higgins, F. S. Low, Don. A. King, known and recognized as the principal leaders and managers of the Democratic party last fall?—A. I should say among the principal leaders.

5823. Q. And did you not understand or are you willing to say that the Hon. W. A. Poncher was not the chairman of, and Bart Lynch a delegate to the Democratic Congressional convention last fall?—A. I am not prepared to say they were not; have some recollection about Mr. Poncher being chairman of the convention, but am not positive about it.

5824. Q. Will you swear positively that Sebastian Duffy was not put in nomination for member of Congress at that convention (Democratic Congressional) by Bartholomew Lynch, a well-known Democrat and an ex-delegate to the Democratic State convention, and received the unanimous vote of the convention?—A. I will not; I don't know.

5825. Q. Will you swear positively that Sebastian Duffy did not announce himself in a speech made in that convention in accepting that nomination as a Democrat, and pledge himself to the Democracy of the district to support the party, and further declare himself in strict unison, accord, and harmony with the Democratic party and its principles?—A. Not being present at that convention I don't know how I could be expected to know.

5826. Q. You have undertaken to swear and have sworn that Sebastian Duffy forestalled the action of the Democratic convention; you may give the names of the delegates to that convention from the assembly district you have spoken of, and the name or names of any who voted against or refused to vote for his nomination?—A. To the first part of the question I would say that A. R. Jones, of Pulaski, W. I. Eastman, were two of the delegates; can't give the others; don't know who voted against him or that either of these did; from what I was advised I suspected they voted for him.

5827. Q. Did you or did you not understand or will you swear that the Democracy of Madison County did not send greeting to the Democracy of Oswego County, their approval of and confidence in Sebastian Duffy as a Democrat and ask Oswego County to join with them in giv-



ing him a unanimous nomination by Democrats in convention assembled?—A. I don't know anything about it.

5828. Q. You have mentioned the name of F. S. Low, ex-sheriff and then sheriff of Oswego County at last fall's election; will you swear positively that he did not vote for and support Sebastian Duffy, and counsel and advise his nomination before convention and in convention? Answer, yes or no?—A. No.

5829. Q. And can you name any other Democrat except Azariah Wait in the city or county of Oswego that you can swear positively voted against Sebastian Duffy and for Joseph Mason?—A. I think I can; I can from what they told me but not from seeing them vote.

5830. Q. You have mentioned the name of Andrew S. Coey, from the town of Redfield, as a leading Democrat as being opposed to Sebastian Duffy; are you now, upon reflection, willing to swear positively and beyond fear of contradiction that he voted for Mason and against Duffy? Answer yes or no.—A. No; I did not see him vote.

Second re-direct examination of HENRY L. HOWE, by J. J. LAMOREE, Esq., counsel for contestee:

5831. Q. Mr. Howe, your attention has been called to the very flattering vote given John Dowdle for the office of county treasurer. I find by looking at the canvass that Mr. Dowdle received a majority vote in the city of Oswego of 703, while the combined vote of both Bradley and Tucker in the same city lacks 176 of a majority; how do you account for this excess of 879 votes in the city of Oswego for Dowdle?

(Objected to, first, as assuming from the lips of counsel a statement of facts not proven; 2d, the witness has not shown himself possessed of sufficient knowledge to speak; 3d, as calling for an opinion or a biased and prejudiced political guess.)

A. I assign a reason which is common in the third district, that the location of the office of county treasurer in the city of Oswego instead of the village of Mexico, and where it formerly had been and where the Republican candidate then resided, had more influence upon the vote for county treasurer than the political party to which the candidates belonged or their personal popularity; that the vote in the city of Oswego and the first assembly district and in a portion of the second assembly district was largely influenced by the location of the office for the ensuing term.

5832. Q. I find by a like examination that Mr. Bradley and Mr. Tucker, the respective candidates of the Democratic and Greenback parties, received in the city of Oswego 1,671 votes, while Sebastian Duffy, who ran on both tickets, received 208 votes less, or 1,463 in all. In view of the feeling of opposition to Mr. Duffy on the financial question, how do you account for the loss of only 208 votes by Mr. Duffy in the city of Oswego?

(Objected to same as before and as leading.)

A. I don't know as I can account for it.

5833. Q. I find that the Republican vote for district attorney, referred to by contestant's counsel, is less than the combined vote of gentlemen Shay and Wart in the entire county by about 900 votes, and that Mr. Wart received a majority vote in the town of Sandy Creek of 16, while Danforth, Republican candidate for court of appeals, received a very large majority in that town; how do you account for that?

(Objected to as wholly immaterial. Notaries differ.)

A. I should say that Mr. Danforth, candidate for judge of the court of appeals, held the full strength of the Republican party. I should say that Mr. Wart's popularity and personal friends in his own town and

community gave him quite a large vote, drawing many from the Republican party. Mr. Wart has a great many friends and clients in the Republican party who worked for him and voted for him.

5834. Q. Was that true also in other towns besides Sandy Creek, to a greater or less extent?—A. I think it was; and there was another thing: the attempt on the part of the Greenback party and of some Democrats in another part of the county to get Mr. Wart out of the field and his name off the ticket, and Mr. Shay substituted in his place, created a sympathy in favor of Mr. Wart among his friends, which was participated in to some extent among Republicans, and tended to increase his vote.

5835. Q. Was there an unusual personal effort put forth by both Wart and Shea and by their personal friends throughout the county?

(Objected to as wholly immaterial. Notaries differ. Coon for admission as proper in reply.)

A. Yes, sir; I think so.

5836. Q. Were Messrs. Coey and Potter candidates for the office of side judge—both old and experienced judges upon the bench, having a large acquaintance throughout the county, and was David L. Brown, the Republican candidate, a new man, whose ineligibility was raised after his nomination?

(Objected to as wholly immaterial. Notaries differ.)

A. I should say that that was true, except that I was not aware of the question of eligibility, which I knew nothing about.

5837. Q. Did you attribute the excessive vote of John Dowdle, the Democratic and Greenback candidate in Oswego City, whereby that gentleman ran 839 votes ahead of his ticket and nearly 500 ahead of Judge Mason, to the corrupt use of money to advance Dowdle's election?—A. No, sir.

Second recross-examination of HENRY L. HOWE:

5838. Q. You have been testifying to figures, majorities, and returns, upon statements made by Mr. Lamoree, contestee's counsel, in questions addressed to you, without examining the official canvass yourself to ascertain whether the statements made in his questions were true or not, have you not?—A. I have not examined the figures which he gave to see whether they were true or not, and I have not given figures.

5839. Q. Mr. Lamoree, contestee's counsel, was the district attorney of Oswego County at the time of last fall's election, was he not; and had he not been such district attorney prior to that time?

(Objected to as immaterial.)

A. Yes, sir; and had for about six years.

5840. Q. Do you not believe that, during his administration, he has become well acquainted throughout the county, and by reason of his peculiar official position he acquired a great personal as well as political influence within the county?—A. I should say so.

5841. Q. And you have been a fellow-member of the bar of the supreme court of the State of New York, practicing in the county of Oswego with him during that time, have you not?—A. I have.

5842. Q. And did you not understand or learn that he, as such district attorney, had caused to be obtained, or held and obtained in his possession and under his control, a large number of indictments, to wit, about the number of two hundred, against citizens of the county of Oswego for various crimes and misdemeanors which he failed to bring to trial during his administration, and which were still held by him as such district attorney at the time of last fall's election?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. I do not understand that he caused to be obtained any indictments. He may have had some control of them, but understood that they were retained at the office of the county clerk. There were a large number of indictments, as I understood, which were not disposed of when he went out of office, and under his control to the extent of his office as district attorney.

5843. Q. When you say you supposed these indictments were in the county clerk's office, you only say so on the ground that the law requires them to be so kept, without any actual knowledge whether they were or not?—A. I had no personal knowledge on the subject.

5844. Q. And as a lawyer you understood that he was clothed with great power as to disposing of or moving these cases for trial, do you not?—A. He was clothed with the power the statute gave him, but controlled by circumstances as to the moving of cases for trial.

5845. Q. And did you not learn that at a term of court held in this county subsequent to the election he caused to be dismissed some hundred and seventy odd indictments for crimes and misdemeanors?—A. No, sir.

5846. Q. Did you understand that he caused to be nolle prossed a large number of indictments just after election, and as his term of office was expiring?

(Objected to as immaterial. Notaries differ. Coon for exclusion of the evidence.)

A. I understood that at the December sessions some indictments were nolle prossed; could not give any figures.

5847. Q. Have you not seen it charged in the public press of the city of Oswego that he had perverted his office to an improper political use by holding indictments against men for political influence, and was it not so stated and charged that he did so last fall?—A. I don't remember that I did.

5848. Q. Will you say that the public press did not so charge him last fall?—A. I have no recollection of seeing any such thing last fall. I have taken the Times and Palladium—dailies—for the past two years, and I don't remember seeing anything of that kind.

#### Third redirect examination of HENRY L. HOWE:

5849. Q. I find by reference to the canvass of Oswego County, that fourteen thousand two hundred and eighty-six votes were polled for the State tickets, of which seven thousand and ninety-one were polled for candidates Bradley and Tucker, and six thousand eight hundred and fifteen for Hon. George F. Danforth, the Republican candidate for court of appeals. I also find that Judge Mason out of this large vote received five hundred and fifty-seven more votes than did Mr. Danforth. Knowing what you do with reference to the hard-money sentiment prevailing among the leading Democrats of Oswego County at the time of the election, are not five hundred and fifty-seven votes throughout the entire county very many less than you had reason to believe before the election would be drawn from the Democratic party to the support of Judge Mason on the financial issue?

(Objected to as assuming a state of facts of which there is no proof; incompetent, irrelevant, and immaterial. Notaries differ. Coon for admission on the ground that it has already been gone into.)

A. Yes, sir.

5850. Q. Was not the contemplated majority for Judge Mason in Oswego County confidently anticipated and believed to be before election much larger than it proved to be?

(Objected to same as before. Same difference.)

A. Yes, sir.

5851. Q. On the morning of April 1, 1879, near the close of the cross-examination of William I. Rassmussen, at question 4734, and again at question 4741, certain low, scandalous, and infamous insinuations against the moral character, social standing, and political integrity of Mr. Lamoree were spread upon the record at the instance of Counsellor Baker, in the absence of Mr. Lamoree, and from conceded malice and superlatively low breeding, the same having been copied by Sebastian Duffy from certain scandalous questions propounded by S. D. White, Mr. Duffy's counsel at the village of Hamilton, on or about the 26th day of February, and which had been then and there by the propounder and before the notaries apologized for and the apology entered upon the record, during the testimony of one John Smith, then and there sworn on the part of contestant. Can you conceive of anything more low, contemptible, or degrading in civilized life than the copying of those filthy insinuations by Sebastian Duffy, the transfer of them by Duffy to the hands of his paid counsel, H. D. Baker, and the second spreading of the same upon record in this case with the apology left off?

(Questions referred to read.)

Objected to as immaterial, incompetent, and assumes an apology, of which there is no proof, and as further assuming that Sebastian Duffy transmitted those questions when in truth and in fact they were transmitted by another party, and after the pretended apology is claimed to have been made. Notaries differ. Coon for admission.)

A. I think it unprofessional and reprehensible.

5852. Q. It now having been conceded by the objection just made that these disreputable insinuations, so spread upon the record by Mr. Duffy's counsel, were imported from the county of Madison for the especial purpose of having them used in the city of Oswego, do you not understand that Counselor H. D. Baker, on the morning of April 1, 1879, and preparatory to the accomplishment of his dirty work, and as a means of qualification thereto, the better to blunt and smother his moral sensibilities, resorted to inebriations and appeared before the notaries in a beastly state of intoxication after refusing in his sober moments to loan himself to so disreputable an act?

(Objected to for the same reason. Same holding of notaries.)

A. I have no knowledge or information in regard to it.

5853. Q. I assume then that you were not present on the morning of April 1st; am I correct?—A. You are.

Third recross-examination of HENRY L. HOWE:

5854. Q. You have no proof and have no knowledge that answers were not made confirming the truth in the statements made that were read to you showing the unprofessional, dishonest, and contemptible conduct of John J. Lamoree in the last campaign, or that any apology was made for the same in Madison County, have you?—A. No, sir; I have no knowledge or proof of the answers that were made or of the apology.

5855. Q. Do you think that it shows a high degree of moral character and such as the public would commend for an ex-district attorney, such as Mr. Lamoree is, for him to purchase and hire votes at an election and subsequently when his acts were about to be brought to light to induce the parties that he had paid the money to so illegally to leave town by the payment of money and the promise of a reward, so as to avoid process and not be sworn to?—A. No, sir.

5856. Q. It having been sworn to in the trial of this cause that he, Lamoree, had paid \$7 to one Con Connors the night before election, who was a Democrat, to vote the Republican ticket, and a charge having been openly made in the court-room by H. D. Baker, counsel for the contestant, that he, Lamoree, had caused Connors to leave town to avoid testifying, do you not think that the following letter, written by James S. Connors, brother of said Cornelius S. Connors, to him, the said Connors, which is in the following language, to wit:

“OSWEGO, *February 20, 1879.*

“DEAR BROTHER: I could not see Lamoree last night. I was to his house three times up to ten o'clock and he was not there. So I went up to his house this morning and saw him. He said he would write to you then. I did not tell him I was going to write you. When I got home yesterday Collins was in the house, and he laughed when he seen the leather, but I made him think it was from Fulton. I also made him believe that you were in Fulton, boarding with Nellie. He said then that he thought I could not be to Syracuse and back in the short time I was gone. He said he seen me at eight o'clock, but I was in Fulton that time; but all is well that ends well. Lamoree told me that you could come home Monday night. I did not have much conversation with him. But Jim Beckwith and the rest of them are after you hard and they are bound to have you any way. There was quite a piece in the paper last night saying they would have you any way. May says she would be better pleased to have you stay until Monday, to come home and let them catch you. Your family are all well and in good health. My opinion is that you had ought to stay until Monday, and all the parties will be satisfied. They will have nothing to say. But then you are your own boss. I would have written last night if I could see Lamoree, so you must excuse me for being late. Good bye. I remain yours, your brother.

“MR. JAMES S. CONNOR.

“I had quite a time coming down in the trying to keep them from taking the leather in and express it, but they did not do it all the same, you bet.”

This letter, taken in connection with the sworn testimony of John Collins, who received money, and of Sylvester Murray, witnesses who stand uncontradicted, as to the conduct of Lamoree in trying to have Collins leave town and not testify, and also getting Connors to leave, together with the fact of the time named in the letter of Lamoree's advice was the last day and night that the contestant had to take testimony, do you think that such conduct is commendable conduct on the part of Mr. Lamoree in the conduct of this case?

(Objected to, 1st. That the letter has not been filed or contestee's counsel permitted to see the same, and that contestee now demands the production of the letter, that the same be filed with Notary Coon where contestee's counsel may see the same and have an opportunity before he rests his case to show that the same is equally infamous, corrupt, and mischievous with the questions imported from Madison County. 2d. That contestee's counsel may have an opportunity to call witnesses thereto, that the same may be thoroughly exposed and Beckwith's and Baker's connection therewith spread upon the record. 3d. That the same is immaterial and incompetent for any other purpose than to expose the base endeavor thereby on the part of Mr. Duffy, Counselor Baker, and James A. Beckwith. 4th. That the facts already recorded and found in

the testimony of Cornelius Connors and Samuel B. Burchard more than answer all of the charges or imputations against contestee's counsel; that the testimony of Joseph Dempsey and the cross-examination of Collins leave nothing for Mr. Lamoree to answer; that contestant's own witnesses have established the disreputable character of John Collins, if not of Connors as well; that the fact that Connors appeared when called for and gave his evidence at the instance of contestant in direct violation of the sentiments expressed in the alleged letter is the best evidence that the same was concocted, invented, and set afloat as a part and parcel of a disreputable trick, resorted to to cast reflections upon those whom they cannot otherwise assail. 5th. That there is no evidence that James S. Connors ever wrote or knew of the existence of such a letter, and it is notorious that the said James S. Connors has openly and repeatedly repudiated the same by declaring that he never wrote the same; and the said Cornelius Connors has been equally emphatic in his denials of all knowledge as to the existence of such letter, and that contestant or his counsel were known to be in consultation with said James Connors, who, under their advice and before presenting the letter, has left the city. 6th. That the statement of counsel accompanying the presentation of the letter and in the recital of facts alleged to have been heretofore given is guilty of many prevarications, the distortion of evidence, and the assailment of his own witnesses. 7th. That the whole subject relating to the letter, so called, if any such has an existence, is wholly irrelevant to the issues under investigation, and does not belong to this record. 8th. That the same is only presented as a part of the same disreputable endeavors to cast reflections not upon contestee, but upon his attorney, in a manner and under the supposition that said attorney under the rules and practice in these proceedings can have no opportunity to expose the infamy in which such disreputable acts on the part of contestant has taken root. Notaries differ.)

A. Assuming the statement to be a statement of facts, I should say no.

H. L. HOWE.

Sworn to and subscribed before us.

S. M. COON,  
Notary Public.  
WILLIAM W. GREEN,  
Notary Public.

Counselor Baker refused to produce the above alleged letter for filing or examination.

Adjourned to 9 a. m. April 15, 1879.

April 15, 1879.—Met pursuant to adjournment.

*Deposition of Charles G. Wilcox.*

CHARLES G. WILCOX, after being duly sworn on this 15th day of April, 1879, testified as follows:

5857. Question. Give your name, residence, age, and occupation.—Answer. Charles G. Wilcox; my age is 45; residence, Scriba, Oswego County; occupation, a farmer.

5858. Q. How long have you resided in Scriba?—A. For the last forty-four years, off and on.

5859. Q. What were your politics the last year; to what political organization did you belong?—A. I belonged to the Greenback party last year.

5860. Q. What was your position in that party ; on what committee, if any ?—A. Congressional committee.

5861. Q. Are you acquainted with Sebastian Duffy, the contestant in this proceeding ?—A. Slightly.

5862. Q. When did you first become acquainted with him ?—A. I think it was last August.

5863. Q. Under what circumstances ?—A. He came to me representing he wished to run for Congress and wanted me to support him.

5864. Q. What did he say ?—A. That is about the essence of it, I should judge.

5865. Q. Did he say anything to you about his politics then ?—A. Nothing more than he claimed to belong to the Greenback party.

5866. Q. Did he know your position upon the committee ?—A. I presume he did, or he would not have come after me.

5867. Q. What was said on that occasion with reference to his being nominated by the Greenback party for Congress, if anything ?—A. Don't now that I could answer it any different than I have. He wanted me to support him and proposed to run.

5868. Q. Had Mr. Smith withdrawn from the Greenback ticket at that time ?

(Objected to as immaterial. Notaries differ.)

A. I think Smith had withdrawn ; that I had heard and supposed to be a fact.

5869. Q. Were any negotiations entered into by which you were to support Mr. Duffy ?—A. I told Mr. Duffy that he must stand the expenses of my going to Oneida. He agreed to do it ; he first objected. I told him I should not go without.

5870. Q. Did he pay you any money then ?—A. No, sir.

5871. Q. Who was present at the time of that talk with him ?—A. Mr. Galen Onderkirk for one ; my son was by also.

5872. Q. Mr. Onderkirk, to whom you refer, was the editor then of The Oswego Morning Sun ?—A. I believe so ; yes, sir.

5873. Q. He was also a member of the Greenback Congressional committee ?—A. He went and acted as a member of the committee. That is all I know about it.

5874. Q. Were you present at the meeting of the Greenback committee that placed Mr. Duffy in nomination ?—A. Yes, sir.

5875. Q. When was that held ?—A. The 10th of September, I believe.

5876. Q. Whereabouts ?—A. Oneida, Madison County.

5877. Q. After Mr. Duffy's nomination, did he appear before the committee and make an address ?—A. Yes, sir ; a small one.

5878. Q. Did he address you on the financial issues in that speech ?—A. He might have alluded to them, but I don't recollect in particular what he did say. I think the principal of what he said was what he was going to do in the campaign. He was telling them that he was going through all parts of Madison County, every school district, and tell the people the difference in politics, and the principles of his party and the other parties.

5879. Q. Did he pledge himself to act with the Greenback party if elected ?

(Objected as incompetent and immaterial. Notaries differ. Coon for admission.)

A. Yes, sir.

5880. Q. How large a committee was that of which you were a member ?—A. Don't know as I can say for certain ; the two counties were represented in full, except the Oswego district.

5881. Q. Was Mr. Onderkirk then with you?—A. Yes, sir.

5882. Q. After his nomination, did he pay you any money?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. No, sir.

5883. Q. Did he pay you any money on the day of his nomination?—

A. He did, sir.

5884. Q. Was it before or after his nomination?—A. Before.

5885. Q. Did you support him in the meeting of that committee?—A.

I did.

5886. Q. Was there some sharp opposition to his nomination by other candidates?—A. There was some opposition. I could not say how much. There were other parties, I believe, that wanted to run.

5887. How much money did he pay into your hands that day?

(Objected to as incompetent and immaterial. Notaries differ. Coon for admission.)

A. He paid \$10 into my hands.

5888. Q. Do you know or were you informed that he paid money on that occasion to some of the delegates from Madison County?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. No, sir; I know nothing about it, and was not informed so.

5889. Q. Did you see Mr. Duffy after that on any occasion before election?—A. I saw him once, I think.

5890. Q. Was that before or after his nomination by the Democrats?

—A. I think it was before; that is my best knowledge about it.

5891. Q. Whereabouts and when?—A. At Scriba Corners; some time the fore part of October, I think.

5892. Q. That was on the occasion of a Greenback political meeting, was it not?—A. Yes, sir.

5893. Q. Was Mr. Onderkirk there at that meeting?—A. He was there.

5894. Q. Did Mr. Duffy deliver an address at that meeting?—A. He did.

5895. Q. Was Mr. W. W. Green, the notary here, also present at that meeting, and delivered an address?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. Yes, sir.

5896. Q. Did Mr. Duffy speak on the financial question?—A. I believe he did; that was his principal hobby.

5897. Q. Did he make any suggestions as to how the national debt should be paid?

(Objected to as immaterial and irrelevant no part of the issue in the case. Notaries differ. Coon for admission.)

A. By the issuing of more greenbacks.

5898. Q. Did he on that occasion criticise the Republican and Democratic parties?

(Objected to as immaterial and not in the issue.)

A. I think he did, more or less.

5899. Q. In what way did he criticise them?—A. I think he claimed that both parties had been the cause of making the times hard.

5900. Q. Did he say anything about the corruption of the Democratic and Republican parties?

(Objected to as being incompetent and immaterial, and no part of the issue joined. Notaries differ. Coon for admission.)

A. He allowed the corruption caused the hard times, but would not undertake to state all he said.



5901. Q. Was Duffy's nomination by the Greenback party made before or after his nomination by the Democratic party?

(Objected to as incompetent and immaterial. Notaries differ, Coon holding it proper subject for reply.)

A. I think it was made before.

Adjourned to 2 p. m.

2 p. m.—Met pursuant to adjournment.

5902. Q. Did you talk with Democrats after Mr. Duffy was nominated by the Democratic convention?—A. I might have had some conversation.

5903. Q. Did they express satisfaction or dissatisfaction with the nomination?

(Objected to as immaterial.)

A. I think it did not please them—most of them that I heard say anything about it.

5904. Q. Are you informed of any Democrats in your vicinity who refused to vote for him?

(Objected to as immaterial and calling for hearsay.)

A. I have heard some such talk; that is as far as I should want to say.

Cross-examination of CHARLES G. WILCOX:

5905. Q. Your political predilections before you had joined the Greenback element were Republican or rather inclined that way?—A. Yes, sir; I was rather inclined that way.

5906. Q. And you have been so inclined since last fall, have you not, to return to your prior Republican predilections?—A. I have not been inclined to have anything to do with any of the parties since last fall.

5907. Q. In which way had your political predilections inclined you since last fall?—A. I am inclined to have not much to do with any of them.

5908. Q. I am then given to understand that you are or have been without any known and regular political predilections, have you not?—A. Yes, sir.

5909. Q. You did not understand that Mr. Duffy was paying you and other parties or that you and other parties were selling your votes to secure his nomination at the time of his so-called by you nomination that you speak of?—A. No, sir; I did not consider it so.

5910. Q. You only considered that he was paying your necessary and ordinary expenses to that convention?—A. Yes, sir.

5911. Q. Were you a delegate to the regular Greenback convention as assembled? If so, give the date of the assembling of that convention and when the same was held.—A. I was not. I was a substitute.

5912. Q. Were you a regular or substituted delegate to the Democratic Congressional convention?—A. No, sir.

5913. Q. Did not the regular Greenback convention by delegates assembled nominate and put in nomination as their candidate Mr. Smith, of the town of Hannibal, for member of Congress?—A. I think they did, sir.

5914. Q. And were you a member of that convention?—A. Yes, sir.

5915. Q. And did you not vote for or were you not heartily in favor of Mr. Smith's nomination?—A. Can't say as I was; I voted.

5916. Q. Did you seek the nomination yourself?—A. No, sir.

5917. Q. Who sought the nomination, if any one, against Smith in that convention, by personal endeavors?—A. Could not tell you, sir.

5918. Q. Was there not other names mentioned or suggested to that convention than Mr. Smith's?—A. Yes, sir.

5919. Q. But you did not see or know of Mr. Duffy being present at that convention and making a personal effort for the nomination, did you?—A. No, sir; he was not there; at least I did not see him.

5920. Q. But you did understand that he was nominated by the Democrats unanimously in Congressional convention assembled and accepted this nomination in open convention?—A. I heard he was.

5921. Q. And so hearing of his nomination and acceptance, did you not understand that he had put himself squarely before the people and put himself upon the Democratic platform?—A. I don't understand anything about it, so far as I am concerned.

5922. Q. You have spoken or attempted to swear of the spirit of the speeches of Mr. Duffy and of his pledges. Did his pledges imply any more than simply to support the distinctive principles of the Democratic or Greenback party?—A. Greenback was his theory. It was only one party that he had anything to say about. That is, as far as I heard him say.

5923. Q. Did you understand from his speeches that he made any pledge to the Republican party?—A. No, sir.

5924. Q. On cross-examination, you have testified and admitted that you understood and learned that Sebastian Duffy was nominated by the Democrats in open convention assembled and accepted the nomination in a speech putting himself squarely upon the Democratic platform, and was only put upon the Greenback ticket by a committee after the regular Greenback nominee was withdrawn. Now, in view of your former testimony, can you consistently swear and are you willing as a witness to place yourself upon the record as swearing that he, Sebastian Duffy in any speech that you heard him, make pledge himself in any other way than to support the distinctive principles of the parties other than the Republican party? Answer yes or no.

(Objected to as obscure and as not susceptible of the answer of yes or no, which the counsel requires.)

A. I don't propose to answer the question in that shape.

5925. Q. How long before or after the meeting of the Greenback committee was it that you heard Duffy make a speech at Scriba Corners?—A. It was some over a month or a month and a half.

5926. Q. You may give me the day that the Greenback Congressional convention was held.—A. The 10th of September, according to the best of my remembrance—the last convention, the committee meeting. The first convention was held some time in August; could not tell the day of the month.

5927. Q. When did the committee meet and how many composed that committee that put Sebastian Duffy upon the Greenback ticket?—A. At Oneida, at the Bacon House, I think.

5928. Q. How many were present?—A. I would not be positive as to the number. To the best of my belief, there were seven or eight; one or two did not report.

5929. Q. When and by whom was that committee appointed, and by what authority did you pretend to act?—A. I was appointed by the first delegates to fill a vacancy of a delegate himself who could not go. The committee was appointed at Oneida at the time Mr. Smith was put in nomination.

5930. Q. When was that committee appointed; give the date; and was you at the time appointed one of the committee?—A. The date I don't remember. At that time I was appointed one of the committee.

5931. Q. And was not the power delegated to you by resolution passed regularly in convention assembled to withdraw Mr. Smith and put Mr. Duffy upon the ticket? Answer yes or no.—A. They gave us power to go on and appoint Mr. Duffy in place of Mr. Smith.

5932. Q. Did Mr. Smith resign before that convention adjourned?—A. He resigned after the convention.

5933. If Mr. Smith resigned after the convention adjourned, how was the power delegated to you to put Mr. Duffy upon the ticket?—A. By being requested to go to Oneida again, and appoint Mr. Duffy or some other man in his, Smith's place.

5934. Q. Are you willing to swear and will you swear that the delegates reassembled in convention and appointed a committee for that purpose, or that a committee was originally appointed for that purpose? Answer yes or no.

(Objected to as immaterial and improper cross-examination, inasmuch as it already appears that Mr. Duffy was present at that meeting and thereby recognized its power to place him in nomination, as well as by the fact that he personally solicited the attendance of the members of that committee at its meeting at Oneida; and that Mr. Duffy is thereby estopped from disputing the regularity of that committee's meeting. Notaries differ; Coon for exclusion of the answer.)

A. I don't propose to answer by yes or no; I am willing to answer it in my way, or any question, provided I understand it.

5935. Q. Can you give the resolution that was passed, if any was passed, by the delegates in convention assembled conferring upon the committee the absolute power to fill vacancies, and was there at the time any apprehension or fears that Mr. Smith, your regular nominee, would be ineligible to the office? To the last part of the question answer yes or no.—A. I think there was such a resolution. Yes, sir; there were such fears.

5936. Q. Is it not true that quite a considerable time elapsed after the regular nomination of the Greenback convention before the Democrats held their convention?—A. I think there was a considerable time passed.

5937. Q. And are you willing and will you swear beyond all fear of contradiction that the Democratic party in convention assembled did not put Sebastian Duffy in nomination by unanimous vote before the so-called Greenback committee put him upon their ticket? Answer yes or no.—A. I will to the best of my knowledge, but I don't know when the Democrats held their convention.

5938. Q. Who was present as speakers at the time you claim Duffy made his speech at Scriba Corners?—A. Mr. Green was one and Mr. Onderkirk another. I believe that was all that was present.

5939. Q. Will you swear positively and beyond fear of contradiction that was before he received his nomination from your so-called and self-constituted committee?—A. I will not.

5940. Q. And you will not swear positively that it was after he was nominated by the Democrats, will you?—A. No, sir; I don't know when he was nominated by the Democrats.

5941. Q. And in that speech did he not charge corruption in the Republican party and in the administration of the affairs of the government by that party?—A. Yes, sir.

Redirect examination of CHARLES G. WILCOX by J. B. ALEXANDER, Esq., counsel for contestee:

5942. Q. And did he not equally charge corruption upon the Demo

cratic party and its management, in the same speech?—A. I think he bore a little the hardest on the Republicans.

5943. Q. Did he make any pledges in that speech or in any speech that you heard him make to support the Democratic party or any party except the Greenback party?—A. Don't think he did.

Recross-examination of CHARLES G. WILCOX by H. D. BAKER :

5944. Q. Did he make any pledges of support to either or any party? And if so, state just what he said.—A. I don't remember of hearing him make any pledges to any party.

CHARLES G. WILCOX.

Subscribed and sworn to before us April 15, 1879.

S. M. COON,  
*Notary Public.*  
WILLIAM W. GREEN,  
*Notary Public.*

*Deposition of Galen Onderkirk.*

GALEN ONDERKIRK, being duly sworn this 15th day of April, 1879, testified as follows :

5945. Question. What is your name, place of residence, age, and occupation?—Answer. Galen Onderkirk; residence, No. 74 East Sixth street, Oswego; age is thirty years; occupation, attorney and publisher.

5946. Q. You are the editor and proprietor, are you not, of the Oswego Morning Sun?—A. Yes, sir.

5947. Q. How long have you been in the publishing business?—A. I have been in the publishing business ten years and over.

5948. The paper you have named was an organ of the Greenback party and supported its principles in the last fall's election?—A. Yes, sir; and always has been.

5949. Q. Do you know the contestant, Sebastian Duffy?—A. I do.

5950. Q. When did you first become acquainted with him?—A. About the 1st of September, 1878.

5951. Q. Under what circumstances?

(Objected to as immaterial. Notaries differ.)

A. I was just coming out of my office and met a gentleman who was looking for me. He gave several secret society grips and shook hands with me, and wanted to know if my name was Onderkirk. I made him no reply, but asked him what his name was. He told me he was Professor Duffy. I asked him his business and asked him to step back to my office; told him who I was. He soon explained his business. He said he understood Mr. Smith had withdrawn as a Congressional candidate from the Greenback ticket; he understood that I had been chairman of the Congressional committee of the Greenback party, although I was not at that time; and he solicited my aid in procuring delegates, or rather members of the committee, who would meet to nominate a successor to Mr. Smith to make him a nominee to Congress. As a reason for soliciting my aid he said he belonged to the Greenback club at Pulaski, and had aided to carry the Greenback and Workingmen's ticket in their village election several months previously. He had several letters of introduction and recommendation which he showed me. He thought there was no doubt but what he could obtain the assistance of the Congressional Greenback-Labor party committee from his assembly district. He gave me his political views, and we became pretty thor-

oughly acquainted. Think I invited him to dinner with me the same day, afterwards in the day.

5952. Q. What else occurred that day between you and Mr. Duffy?

(Objected to as being immaterial, unless connected directly with the election.)

A. Afterwards during the day Mr. James T. Smith, of Hannibal, came into my office, and Mr. Duffy and I together—Mr. Smith who had been the predecessor of Mr. Duffy on the Greenback ticket. I introduced Mr. Duffy and Mr. Smith.

5953. Q. What occurred between yourself, Mr. Smith, and Mr. Duffy?—

A. To make it as brief as possible, I explained to Mr. Smith that we were short of a candidate; that Colonel Warner, of Sandy Creek, refused to run, and that we had better take Mr. Duffy; that there was no other candidate. During the conversation between me and Mr. Duffy, he said he would go to Central Square the next week at a convention that was to meet at Central Square on Saturday the 7th of September, and he would like to know if I would be there. I told him I should; that I would introduce him around the best I knew how to different persons whom I knew would be there, and the delegates of that convention and members of the Congressional committee from that assembly district. Mr. Smith said that if he, Mr. Duffy, was nominated at the committee meeting which would be upon the 12th of September, he would stump the district for him. Mr. Smith asked him if in case of his election he would use his influence to obtain him some official position with good salary. Mr. Duffy assented and promised to secure him such a position if elected. He, Mr. Duffy, was very anxious to secure the influence of Mr. Smith to obtain the nomination. Smith had friends in Madison County who were prominent Greenbackers, whose influence Duffy wanted.

5954. Q. What was the next step that you took to aid Mr. Duffy in securing the Greenback nomination for Congress?—A. It was to go to Scriba and make him acquainted with a man named Wilcox, and to make him acquainted here with James Kernan, who were the other two members of the Congressional committee with myself.

Adjourned to April 16, 1879, at 9 a. m.

April 16, 1879.—Met pursuant to adjournment.

5955. Q. Did you visit Scriba with Mr. Duffy to see Mr. Wilcox, the witness of yesterday?—A. Yes.

5956. Q. Relate what transpired between you three men on the occasion you refer to.

(Objected to; incompetent, immaterial, and irrelevant. Notaries differ. Coon for admission.)

A. I introduced Mr. Duffy to Mr. Wilcox, and they had some conversation about going to Oneida. Mr. Wilcox was one of the district committee. Mr. Wilcox said he would not go to Oneida unless his expenses were paid. Mr. Duffy agreed to pay them by saying he would make it all right. Wilcox said he had no objection to casting his ballot in the council of the committee for Mr. Duffy, providing he was assured that that gentleman was a good Greenbacker. I don't recollect distinctly word for word what other conversation was had; nothing more of importance to the case that I can recollect.

5957. Q. What, if anything, was said by Mr. Duffy to Mr. Wilcox upon the point of he, Duffy, being a Greenbacker on that occasion?

(Objected to as incompetent and immaterial and too general.)

A. I could not remember the words verbatim, but there was an expression of Mr. Duffy's Greenback views and they harmonized in the

main with the Syracuse platform. He told him he believed in the Syracuse platform, or words to that effect. The fact of his belonging to the Pulaski Greenback Club was alluded to. He wished to show Mr. Wilcox that he was a genuine Greenbacker; that was the idea.

(Contestant's counsel moves to strike out the last part of the answer as being a conclusion or opinion of the witness.)

5958. Q. The Syracuse platform that you speak of was the platform adopted by the Greenback State convention, was it not?—A. Yes; of the Greenback-Labor convention of July 25, 1878.

5959. Q. About what time of the month was it that you saw Mr. Wilcox, of Scriba?—A. About the 1st of September, not to swear definite to the exact day.

5960. Q. Did you subsequently meet Mr. Duffy at a convention held at Central Square?—A. I did.

5961. Q. When was that?—A. September 7.

5962. Q. What convention was that, politically?—A. Greenback-Labor convention, of the second assembly district of Oswego County.

5963. Q. Did you introduce him to different parties there—members of the convention, &c.?—A. I did, to members of the convention and to members then present of the Congressional committee.

5964. Q. Was anything said to the members of the Congressional committee then present on the subject of Duffy's nomination to Congress?

(Objected to as incompetent, irrelevant and immaterial. Notaries differ. Coon for admission.)

A. They were each requested to vote for him; he solicited them to vote for him when they should meet in committee.

5965. Q. Did Mr. Duffy make a speech at that convention?—A. Yes, sir.

5966. Q. State what he said in his speech.—A. He made a rattling good Greenback speech and was applauded.

5967. Q. Did he state his views on the financial question? And if so, give them as he stated them.—A. He did. He stated that the corruption of the old parties had prepared us a victory if we only took advantages of the circumstances and worked. He mentioned the immense public debt and said we never should have good times until it was paid by an issue of money sufficient to make it good or pay it in full, or words to that effect. He spoke of his admiration for our principles, and he said we must all work. He dwelt, with particular emphasis, upon working with our neighbors and friends to gain more members for the party.

5968. Q. Did he speak of the bond holder class on that occasion?—

A. I think not; his remarks were not very long.

5969. Q. Have you heard him speak of that class on any occasion?—A. Yes.

5970. Q. How did he characterize them?—A. As a class who were free from taxation and throwing all the burdens of taxation on the laborers and farmers of the country. That was at the convention at Oneida; spoke of them as a class who were sapping the energies of the country; that we, as a nation, were constantly adding to the number of bondholders. He said he objected to the issue of any more bonds of any name or nature.

5971. Q. What was his proposed remedy for these alleged evils?—A. To immediately provide for the payment of the principal and interest of the bonded indebtedness of the United States by the issue of paper currency which should be irredeemable—which should be absolute money irredeemable, and which should be founded on the credit of the government. He also favored the taxation of bonds issued in aid of the con-

struction of railroads and internal improvements, municipal and town bonds.

5972. Q. In what terms did he speak of the Democratic party, its history and principles, if anything?—A. When I spoke with him at Southwest Oswego, he condemned the two old parties with great vehemence. The substance was this, that the Republican party had been issuing a great many bonds, and that those bonds were issued by the aid, too, of the Democratic party, although they were the minority. The bonds were not made payable in gold when issued, but that in 1869 a refunding act was passed, by which the old bonds already issued were taken up and paid by the aid of new bonds. The new bonds were payable in coin of the standard value of the period when the act was passed. But this word coin did not suit the bondholders; they wanted a gold basis. To procure this they obtained the demonetization of silver, making silver only worth ninety cents on the dollar or such a matter. The bondholders could then demand gold as the coin which should be paid for the bonds. He mentioned the fact that bonds had subsequently been issued payable in gold, thus establishing a very dangerous precedent. He was opposed to a gold basis.

5973. Q. How many times were you present and heard him speak and made speeches with him?—A. At Central Square, Oneida, Southwest Oswego, Scriba Corners, Seneca Hill, Hannibal Village, and some other places that I don't remember.

5974. Q. What did he have to say on the subject of the corruption of the Democratic party in his earlier speeches?—A. He spoke of the canal ring and their corrupt management, and said that Tilden's reform was no reform at all; both wings of the party were alike corrupt, and fully as oppressive to the people of the nation and of this State as the Republican party. In fact, that there was little difference between the platforms of the parties; they were both in favor of the resumption of specie payment, which he opposed as a monstrous evil. He gave a history of the contraction of the currency in approaching specie payments, and prophesied a general panic as a result of resumption on account of all values depreciating. He dwelt with emphasis upon the trouble produced to the debtor class and the poverty they were enduring at the hands of oppressor creditors. He challenged any one to show him a single act of either the Democratic or Republican parties to ameliorate the condition of this class. On the contrary, they proposed to ruin the farmer and mechanic by forcing resumption, which should take place on January 1, 1879. That day would be doomsday for the country.

5975. Q. Was anything more said calculated to excite feeling between the laboring classes and capitalists of the country?

(Objected to as incompetent, irrelevant, and immaterial, and does not come within the issue.)

A. I only just now think of some things in defense of the land limitation clause in the platform. I think, on one occasion at Seneca Hill, he mentioned that a large owner of real estate in Texas, an Englishman, had accumulated so much landed property that he controlled the political affairs of the county in which he lived; that he had established practically the landlord and tenant system there, similar to the old English feudal system; that a great many extensive corporations in the country owned too much real estate for the good of the people. He favored land limitation laws to prevent the confinement of the ownership of the soil to a few.

5976. Q. What time was the meeting of the Greenback Congressional committee held at Oneida at which Mr. Duffy was nominated for Con-

gress?—A. By looking over my files I find that it was on the 10th of September, 1878.

5977. Q. Were you present at the meeting of that committee as a member of it?—A. I was.

5978. Q. Who accompanied you there?—A. I went alone. I met Mr. Cook on the way there at Syracuse. He was on his way there as a candidate—Edward S. Cook, of Gilbert's Mills, Oswego County.

5979. Q. State what was done.—A. The committee held a meeting, Mr. John Woodin in the chair, and Mr. J. E. Northrup, I think, was secretary. Most every one of us proposed some name as a candidate; I think I proposed Mr. Duffy; Mr. Crawford, of Cazenovia, proposed Mr. Moore; and Mr. Potter, of Orwell, seconded Mr. Duffy's nomination, and said that he had seen Colonel Warner, and that Colonel Warner would not accept.

5980. Q. What was the result of the ballot as to the nomination?—A. Mr. Duffy had a majority of votes cast over all. Mr. Moore was the next highest; Mr. Charles G. Wilcox, of Sciota, moved that Mr. Duffy be declared unanimously nominated by the committee, which was passed without a dissenting voice. Mr. Duffy was then called upon for a speech.

5981. Q. What did he say in that speech, if anything, with reference to his adhesion to the Greenback party and to its principles in case of his election to Congress?

(Objected to as incompetent and immaterial, and irrelevant to the issue in this contest. Notaries differ; Coon for admission.)

A. He said in case he was elected he should try, to the best of his ability, to obtain the passage of laws favorable to the principles of the Greenback party.

5982. Q. Do you remember the occasion of his making a speech at Hannibal?—A. Yes; I was there with him—spoke with him. That was the first Tuesday in October, I think; the night of school meeting.

5983. Q. On that occasion who was first nominated as chairman of that meeting?—A. A man by the name of Van Auken.

5984. Q. You have seen him here to-day, have you not?—A. Yes.

5985. Q. Do you not recognize him as one of the notaries before whom evidence has been taken in this contest?

(Objected to as incompetent, irrelevant, and immaterial. Notaries differ.)

A. No; I have not attended any other court in this investigation but this.

5986. Q. Do you not understand, or have you not heard him make remarks to the effect that he, Mr. Van Auken, is the notary before whom evidence is being taken in this contest?

(Objected to as incompetent and immaterial. Notaries differ.)

A. He made remarks to that effect this morning to me.

Adjourned to 2 p. m.

Met pursuant to adjournment.

5987. Q. You know Mr. D. J. Van Auken by reputation, as a prominent Democrat at Hannibal, and as a lawyer, do you not?—A. Yes.

5988. Q. When he was nominated as chairman of that meeting what action did he take?

(Objected to as immaterial; notaries differ.)

A. He declined the honor; don't remember in what words.

5989. Q. What time was this that you held that meeting at Hannibal?—A. First Tuesday in October, I think; school meeting night.



5990. Q. Was Mr. James T. Smith then present, the former Greenback candidate ?

(Objected to as incompetent and immaterial.)

A. Yes.

5991. Q. Was there a conversation held between yourself, Mr. James T. Smith, and Mr. Duffy, that evening ?

(Objected to as incompetent, irrelevant, and immaterial, and as having been inquired into before.)

A. Yes, sir.

5992. Q. Whereabouts was it, and what was said ?

(Objected to as incompetent, irrelevant, and immaterial. Notaries differ ; Coon for admission of evidence.)

A. In a room at the hotel there, Dudley's hotel ; Mr. Smith referred to the conversation we had had in my office, in regard to promise of some official position. Mr. Duffy said he would do the best he could for him in that line. There was not much said. We were in a hurry to get away ; Smith was very ardent. I stepped into the vehicle to come away, and left them talking. Smith was very ardent. I don't know what their further conversation was.

5993. Q. How many members composed the Greenback committee which nominated Mr. Duffy ?

(Objected to as incompetent and repetition, and being done for purpose of consuming time and cutting off cross-examination.)

A. Fourteen. There was one absent ; the third member from this assembly district. There would have been fifteen in all.

5994. Q. When was Mr. Duffy nominated by the Congressional Democratic convention ?

A. October 18, if I remember right, and on Friday.

5995. Q. Did you hear Mr. Duffy make any speeches after he was nominated by the Democrats, that you remember ?—A. No ; I did not hear him.

5996. Q. Did you talk with Democrats after Mr. Duffy's nomination by them ; and, if so, state whether their feeling on the subject was favorable or unfavorable to him.

(Objected to as incompetent and immaterial. Notaries differ.)

A. I talked with some of them, and they were quite indifferent in regard to him.

5997. Q. Did you see Mr. Duffy in Oswego, after his nomination by the Democrats ?—A. Yes.

5998. Q. Did you see him here the day before election ?—A. I did not see him here, although I understood he was here.

5999. Q. Has he been in your office on more occasions than you have mentioned ?—A. Yes, he has been in there on numerous times. I could not tell how many times.

6000. Q. Do you know Daniel G. Donahue, of this city, sometimes called "Hippet" Donahue ?—A. I know Hippet Donahue, so much talked about.

6001. Q. Have you ever seen him in company with Mr. Duffy ?

(Objected to as immaterial. Notaries differ ; Coon for admission.)

A. Yes.

6002. Q. Whereabouts ?—A. I think after we got through speaking at Southwest Oswego, he presented himself, and several other times.

6003. Q. Have you heard any conversation between them, with reference to the political campaign ?

(Objected to as immaterial.)

A. Yes.

6004. Q. On what occasion have you heard such talk, and where?—A. Shortly after committee meeting, in Mr. Green's office, they were at my office and conversed.

6005. Q. What was said?—A. Mr. Duffy was preparing for the campaign, and was making arrangements for he and I to speak at some place, I don't remember where, and Donahue wanted to speak too. I suggested that Donahue go down in Madison County to speak. He was interested, or wanted to know, if the committee would give him something to speak. I was busy reading proof, and don't remember much of the conversation—very little of it, in fact.

6006. Q. What was said by Mr. Duffy, if anything, with reference to paying him?

(Objected to as immaterial.)

A. Well, I don't know what was said, but Donahue came from him and told me in Mr. Duffy's presence that Mr. Duffy was going to pay him his expenses for going into Madison County and speaking.

6007. Q. Did you see them in your office together on some other occasion than this?—A. Yes; they happened in there together on other occasions. "Hippet" used to run in there pretty often.

6008. Q. Did you ever have any conversation with Mr. Duffy in relation to Mr. Donohue and with reference to what Mr. Duffy desired of Mr. Donohue? and, if so, state what it was.

(Objected to; incompetent, irrelevant, and immaterial.)

A. I had rather not state the whole conversation; that part of my talk with Mr. Duffy was confidential.

(Contestant's counsel waives the question of confidential talk.)

Mr. Duffy thought it best to give Mr. Donohue some little encouragement in regard to the exercise of his oratory—thought that I, being a candidate ought to help to shell out; but I was not a very liberal fellow and declined. Mr. Duffy said he had given a hundred and fifty dollars to the county Greenback committee, and he thought that was all he could squander on election; that the Democratic committee he said would also assess him, and that they expected him to pay two hundred dollars in Madison County to the county committee; the Congressional Greenback committee remained dormant, so far as work was concerned, leaving it to other committees. I don't think of anything else that we conversed about, except some minor points. I think he said the three assemblymen nominated were printers and that it was expected we would do printing enough to come to our assessments.

(Contestant's counsel moves to strike out this answer as not responsive.)

6009. Q. Was anything said after that by Mr. Duffy in reference to Mr. Donohue?—A. There might have been. I don't recollect just now.

6010. Q. Did you understand from what Mr. Duffy said to you on that occasion that, he had made an engagement with Mr. Donohue?

(Objected to as calling for understanding of witness instead of facts, and immaterial. Notaries differ.)

A. No; I got the information I had in the manner I said before and some hearsay.

6011. Q. Did Mr. Duffy say anything to you showing that he had an acquaintance with Mr. Donohue previous to his meeting him in your office; and, if so, state what was said by him, and all that was said by him on that subject?

(Objected to as immaterial.)

A. Really I can't remember.

6012. Q. Did he ever speak to you of meeting Mr. Donohue in Madison County?

(Objected to as immaterial.)

A. Yes.

6013. Q. What was said there?—A. He mentioned, I think, that he became acquainted with him down there.

6014. Q. Did he express any opinion or say anything about Mr. Donohue?—A. He gave me the impression that Donohue had been speaking then somewhere in Madison County, where he had—I don't remember what was said. He seemed well pleased with Donohue's remarks on that occasion.

6015. Q. Has Judge Mason, the contestee, ever paid you any money, or paid any money for the benefit or the support of the paper which you are publishing?

(Objected to as immaterial.)

A. No; I don't suppose he ever saw a copy of it.

6016. Q. How much money did Mr. Duffy tell you that he had paid into the hands of the Greenback county committee?—A. One hundred and fifty dollars, as his assessment.

(The contestant, by his counsel, moves to strike out and expunge from the record the testimony of Galen Onderkirk, for the reasons following: 1st. That his examination in chief was commenced on the afternoon of the 15th of April, and has continued up to the hour of 3½ o'clock of the 16th, the last day of the contestee's time; 2d. That his testimony is of such a rambling and narrative character that it does not give to the contestant adequate time to properly cross-examine him, in the time allowed by statute and stipulation; 3d. That notice was given to contestee's counsel that he was consuming so much time in the examination in chief of witness Onderkirk, that no time would be left for the proper cross-examination.

J. B. Alexander, esq., contestee's counsel, says, that his examination has proceeded in good faith and without any unnecessary delay on his part, and that sufficient time remains for the proper cross-examination of the witness.

Contestant says that there is not sufficient time to properly cross-examine him in justice to the case.

Notary S. M. Coon offers to sit two hours this evening in addition to the remaining time this afternoon of two hours and a half.

Notaries hold that they have no power to strike out.)

#### Cross-examination of GALEN ONDERKIRK:

6017. Q. When and where and under whom did you learn the trade of a printer?—A. Under Charles T. White, of Newark, Wayne County, New York, publisher of the Newark Courier. From 1858, as I was going to school at that place, at odd spells I learned the trade of a printer, beginning about that time.

6018. Q. How long did you serve as an apprentice?—A. I never was an apprentice.

6019. Q. When did you begin to work as a journeyman?—A. I was never employed in any other office except my own.

6020. Q. Where did you begin for yourself as a publisher?—A. In De Kalb, Ill., in 1869.

6021. Q. When and where, and whose office, or in what colleges did you study law?—A. In the office of Senator Williams, of Newark, Wayne County, New York; studied some before I left Chicago, with Mr. Howell; and finished up with Morgan and McDroay, of Rochester,

N. Y., where I was admitted as an attorney and counselor at general term in September, 1870. Previously to that I had attended Rochester University classical course.

6022. Q. When, where, and how long did you practice law?—A. I practiced in Wayne County from the time of my admission till I removed to this city in August, 1877.

6023. Q. Did you quit the practice of the law then?—A. Not entirely.

6024. Q. What newspapers have you published and where and for how long a time have you published them?—A. I published the Wayne County Alliance and the Ontario Sun and the Sodus Enterprise in connection with a partner for six years. The Ontario was merged into the Oswego Morning Sun, of Oswego City, September 27, 1877. I still publish it, having bought my partner's interest and having since sold the Wayne County Alliance to other parties.

6025. Q. What, if any, was their political character?—A. The character of the papers was independent.

6026. Q. When did you first become a Greenbacker?—A. I first espoused the cause in a public meeting in Sodus about August 1st, 1877.

6027. Q. Prior to that time you were a Republican, was you not?—A. Prior to that time I belonged to an organization, and was on the county committee of the Liberal Republican Party that nominated Horace Greeley.

6028. Q. You have established no newspaper that rested permanently in your hands?—A. Yes.

6029. Q. When did you first announce yourself to the public as a Greenbacker?—A. On or about August 1st, 1877.

6030. Q. You have moved several times, have you not, within the past four years?—A. Once within the past four years—from Sodus to Oswego—on or about the month of September, 1877.

6031. Q. Did you not enter into the Greenback movement with a view originally, or at any subsequent time, to aid your subscription or circulation to your paper?—A. No.

6032. Q. Have you not sought office since you have been a so called member of the Greenback party?—A. I have.

6033. Q. Did you not seek the nomination for member of assembly last fall?—A. Yes, sir.

6034. Q. Was you not charged with securing that nomination by undue means and certain improper practices?—A. No.

6035. Q. Was you not charged publicly with obtaining that nomination by fraud and fraudulent combinations?—A. No.

6036. Q. You have answered No to the last two preceding questions, will you swear that you have never read articles published in newspapers within this district so charging you?—A. I have read in tracts circulated in this town since I have lived in it that Jesus Christ was a bastard, but I did not believe it.

6037. Q. You then decline to give a direct answer to the preceding question, do you?—A. No; I don't decline.

6038. Q. Will you give a direct answer to the preceding question, whether you have not been charged with improper practices in obtaining your nomination, if you will answer the question that has been put to you upon that subject?

(Objected to as vague and indefinite, not sufficiently specific as to time or place or the matter inquired into.)

A. The articles of a newspaper from the side opposed to the candidate, opposed to its politics, are never considered evidence, and I decline to state in regard to them.

6039. Q. Were you not charged with fixing that result in advance of that deliberative body?—A. No; I never was charged with any such thing.

6040. Q. Was you not openly and publicly charged by one Cliff, a delegate from the town of Scriba at that convention, with attempting to purchase his vote for your nomination for member of assembly from the Greenback convention by his sworn affidavit? Answer yes or no.

(Objected to as not proper subject of cross-examination, and that affidavit is best evidence.)

A. I leave that for Cliff, I leave that for him.

6041. Q. Were you not advised by prominent Greenbackers not to seek the nomination for member of assembly.

(Objected to as immaterial.)

A. No.

6042. Q. And were you not advised by prominent Greenbackers in this assembly district to resign the nomination after you was nominated and before election?—A. I consider that I was not advised by a single prominent Greenbacker any such thing.

6043. Q. You was advised by some Greenbackers to resign, was you not? Answer yes or no.—A. No. I do recollect being advised by something I saw in the Palladium, signed by John Fitzgerald, and several others of his politics—something of that character.

6044. Q. Was there not a dissatisfaction in the Greenback party in regard to you?—A. I guess not; they would never have had much party here, had I not stirred them up a little.

6045. Q. Do you claim to have organized the Greenback party in this city and county?—A. There is no doubt about that, it is conceded on all hands.

6046. Q. Did you not run considerably behind your ticket last fall?—A. No, sir; I run considerably ahead of it in the county towns.

6047. Q. Did you not run behind your ticket in the city of Oswego? (Objected to as calling for the opinion of the witness when the figures should be given.)

A. None of your darned business. Put that down on the record.

6048. Q. How long had you resided in the city of Oswego when you sought and obtained the nomination for member of assembly?—A. Long enough to become a citizen, ten months.

6049. Q. What was the real circulation of the Oswego Morning Sun that you pretend to have been editing at the time of last fall's election? (Objected to as a matter wholly immaterial.)

A. Five tokens.

6050. Q. What do you mean by a token?—A. A token is ten quires, according to old Daboll's arithmetic, which every boy ought to know.

6051. Q. What is the circulation now?—A. It is a little more than that—less than a token more than that.

6052. Q. Give us the vote for yourself as the Greenback candidate for member of assembly; also Mr. Foot the Democratic candidate, and Mr. Sloan the Republican candidate at last fall's election.

(Objected to as immaterial, and not proper cross-examination, and done to cut off a re-examination of the witness.)

A. I never had the curiosity to look. My vote was less than 700. I don't know the vote of the others.

6053. Q. Did you not seek and make an effort to get the nomination from the Democrats last fall?—A. I decline to reply to that.

6054. Q. Did you not go to the Hon. W. A. Poncher, member of the Democratic State committee, a well-known and leading Democrat resid-

ing in the city of Oswego, and confer with him about obtaining the nomination from the Democrats?—A. I guess I had not better reply to that. Yes, I did confer with him about the nomination of the whole ticket, and not myself alone.

6055. Q. You were anxious to have the Democrats nominate you for member of assembly last fall?—A. I was so indifferent I did not go near the convention. I was not, unless they indorsed the whole ticket; the nomination would have been very agreeable.

6056. Q. And as a candidate you took a very active part in the canvass, did you not?—A. Yes; a very active part, and took the stump, doing all I could, not only in this county, but in different parts of the State; for the State, Congressional, county, and local ticket.

6057. Q. Failing to receive the Democratic nomination you subsequently and before election tried or caused an effort to be made to have Mr. Foot withdraw from the Democratic ticket, did you not?—A. You will have to prove that by somebody else besides me. Mr. Foot and I had a conversation upon that subject; he called at my office.

6058. Q. How much was your assessment as a candidate by the county committee; and when, and how, and to whom?—A. To do the printing they needed in this district; and I did it.

6059. Q. Have you not been complained of by members of your county committee that you did not comply with your assessment?—A. I never have been complained of on that score.

6060. Q. Of what secret society or societies did Mr. Duffy give you the grip or grips?—A. That is a question I am not at liberty to answer.

6061. Q. If you are not at liberty to give the names of those societies, why is it that you are so willing to spread upon this record in this testimony, in the manner in which you have, that he gave you those grips?—A. If I understand your question to be simply the name of the society I am willing to give the name. There is a society called the National Freeman's Society; that was one, and also of the Grangers; two societies to which I belong.

6062. Q. Are you and have been a member of such secret societies, and do you know that Mr. Duffy was a member of them?—A. I do; but I do not know that he is a member of them, positively; I imagine he belongs to them.

6063. Q. Where did that occur?—A. In the hall leading to my office.

6064. Q. Had he have any prior acquaintance with you before the first instance described by you?—A. No.

6065. Q. As near as you can, give the date?—A. It was somewhere about September 1.

6066. Q. Was any one else with him?—A. No; he was alone.

6067. Q. If you had never been acquainted, how could he have guessed you to have been Galen Onderkirk in the manner that you have sworn to?—A. He afterwards said he had heard me make a Greenback speech at Pulaski.

6068. Q. Are you, and were you, a member of several secret societies of which you supposed you received a grip?—A. No.

6069. Q. Is not such a grip a sign or pledge of friendship and mutual confidence and trust?—A. I suppose so.

6070. Q. Can you name any person from whom he brought any letter or letters of introduction?—A. I can, yes.

6071. Q. State whom?—A. He had a recommendation from the chancellor of the regents of the university, and from several others; don't recollect whom.

6072. Q. Can you state what and how any letter he produced to you recommended him, if so, you may state?

(Objected to; the letter is the best evidence, and immaterial.)

A. They showed that he was a man of standing in the community where he resided and principal of Pulaski Academy, a position which no man could occupy unless he was quite talented.

6073. Q. Give the person's name that was signed to that letter?—A. I don't remember the name.

6074. Q. Did he accept your alleged invitation to dinner that day?—A. It is my recollection that he did; he did on that or some other occasion; he did several times; and also staid over night there.

6075. Q. Why did you explain to Smith that you were short of a candidate, and did a man who was and had been a candidate and resigned need any explanation on that point?—A. I did it merely as a leader in conversation.

6076. Q. Smith was aware of the fact that he had resigned at that time, was he not?—A. Yes.

6077. Q. Have you given all the conversation that you had with Duffy on the first occasion that you met him?—A. No.

6078. Q. How long had Smith been in nomination at this time?—A. Ever since the 12th day of August, at half-past two o'clock in the afternoon, until a few days before, when he resigned.

6079. Q. At the time your Greenback convention nominated Smith, it was not expected or feared by the delegates at that convention that he was ineligible?—A. Yes; the subject was discussed at that convention, and there was difference of opinion at the convention.

6080. Q. Was you a candidate before that convention for member of Congress, or was your name used in that convention?—A. No.

6081. Q. How was this Congressional committee that you have spoken of appointed?—A. On the motion of a man for the purpose, that if Mr. Smith declined the nomination, or if he was found ineligible by the results of a subsequent meeting of the committee, a successor to him on the Greenback ticket could be supplied.

6082. Q. Was Mr. Smith present at the convention?—A. He was.

6083. Q. And did he there and then accept the nomination?—A. Yes, conditionally.

6084. Q. Had the Democrats at that time held their convention?—A. They had not.

6085. Q. Was not Mr. Duffy nominated by the Democrats in open Congressional convention assembled, and did he not then and there in open convention make a speech accepting the nomination at their hands, and put himself squarely upon that platform?

(Objected to that witness is not shown to be present.)

A. I could not state anything about it but hearsay.

6086. Q. Did you not understand that the Democrats had nominated him in open convention?—A. My recollection of it was that the Democratic committee merely met. Until I talked with you the other day, I was under the impression that Duffy had not been nominated by either party except by committee.

6087. Q. Have you changed your mind since that conversation about his being nominated by the Democrats in open convention?—A. Yes, I have changed my mind somewhat, except as to the date.

6088. Q. Is your recollection as to the matters that you have testified to any clearer than your impressions as to his nomination?—A. Certainly.

6089. Q. Have you stood favorable or unfavorable towards Mr. Duffy and his cause since your defeat?—A. I have been rather indifferent.

6090. Q. Have you advocated in your paper Mr. Duffy's cause in the matter of this contest?—A. No.

6091. Q. Give me the exact language used by Wilcox, and the exact language used by Duffy, in your pretended interview?—A. The interview at Scriba, Mr. Duffy said he wanted to go to Congress; that was the sum and substance of it, and he wanted the Greenbackers to nominate him; can't give the exact words. He wanted the aid of that committee of which Wilcox was one to secure that nomination.

6092. Q. Is it not true that Mr. Duffy in his speeches assailed the Republican party in its administration?—A. Yes, sir.

6093. Q. Have you not understood that he had been a life-long Democrat before this?

(Objected to as immaterial.)

A. Yes, he told me so the first conversation I had with him.

6094. Q. And did you not understand him to say in his speeches in substance that it would not be for the interest and welfare of the nation, by reason of the political situation, for the Republican party to be retained in power?—A. Not unless he mentioned the Democratic party too. He was impartial in his criticisms between the two.

6095. Q. You was not with him at every speech he made during the campaign?—A. No.

6096. Q. And you cannot say as to the character of the speeches that he delivered when you were not with him?—A. No, I cannot say of my own knowledge.

Adjourned to 7½ p. m.

Met pursuant to adjournment.

6097. Q. Did not he, Duffy, discuss in the several speeches that you heard him make the bonding and financial measures adopted and inaugurated since 1860 or 1864 by the Federal Government?—A. He did, yes.

6098. Q. And were not all those measures so discussed by him adopted during the ascendancy of the Republican party in the government by a Republican Congress and approved by a Republican President?—A. Yes.

6099. Q. Were not the statements by you as to assessments by various committees estimates of what he, Duffy, expected to be assessed, and not statements of what he had actually paid?—A. I saw him after he had paid these sums, and he told me he had paid them.

6100. Q. Do you know of any payment by him to the Greenback County committee, except one by check of \$50?—A. That is new to me—that check of \$50.

6101. Q. Will you, as a member of the Greenback party, active in the counsels, as you claim to have been, swear that he was assessed or paid to exceed the sum of \$50?—A. Yes, I will. He was assessed far more than he paid. He was assessed by the city committee and never paid them a cent. He did not consider it a right assessment.

6102. Don't you know that the Greenback committee, up to near the day of election, had neither finally settled or collected the assessments to be made, except this \$50?—A. No. I was not in the secret counsels of the present Greenback County committee.

6103. Q. You had had no talk with Mr. Duffy as to what he paid either of these committees, since the election, have you?—A. Could not swear positively.



6104. Q. Were you inquiring of Duffy what he paid to your county committee for the purpose of ascertaining what money Dowdle had in his hands?—A. No; not in that sense.

6105. Q. At the time Mr. Duffy stated that he met Mr. "Huppit" Donahue in Madison County, did he not also tell you that Donahue introduced himself to him, or got himself introduced, and solicited him, then and there, for an engagement to speak for him?—A. It runs in my mind that he did, but I would not swear positively. That is my recollection about what Mr. Duffy told me.

6106. Q. Don't you know that about every time any of the Greenback committees were about to meet, or any of the candidates were in town, that Donahue was always soliciting an engagement to speak for them for money, and have you not heard Donahue express dissatisfaction that he was not engaged to speak, or that no bargain was offered and accepted by them and closed with him?—A. I presume it to be the case, but don't know it to be a fact. I have heard him express such dissatisfaction.

6107. Q. Was he not continually during that campaign pestering and bothering candidates, committeemen, and prominent Greenbackers for money?—A. I have no doubt he was, from common report.

6108. Don't you know that the Greenback committee, up to the time of the election, was too poor to incur the ordinary expenses of the election?—A. I know that was true of the committee I was chairman of—the city committee; we never had a cent.

6109. Q. Did you not understand that to be the case with the county committee?—A. No, I did not; they had some funds. There were some wealthy candidates on the ticket.

6110. Q. You have no knowledge of your own so as to enable you to speak with certainty as to what means the county committee had or from whom it was received?—A. I have some knowledge of the affairs between them and certain candidates on the county ticket with whom I was intimate.

6111. Q. Did you receive any money from the county committee or from any of the candidates?—A. Not one cent.

6112. Q. Did you pay any money to either the city or county committee?—A. No money.

Redirect examination by J. B. ALEXANDER, counsel for contestee, of GALEN OUDERKIRK:

6113. Q. When were you nominated for member of assembly?—A. August 10, 1878.

6114. Q. Was Mr. Duffy a subscriber for your paper last year?—A. Yes, sir.

6115. Q. Have you not heard Donahue say that Mr. Duffy employed him to stump for him, and had refused to pay him?

(Objected to as incompetent, irrelevant, immaterial, and leading. Notaries differ.)

A. Yes; he was in my office the other day telling about some such thing.

6116. Q. Who were the wealthy candidates—men who were willing to contribute—on the Greenback ticket, of whom you have spoken in your cross-examination?

(Objected to as irrelevant, incompetent, and immaterial.)

A. Morgan Van Buren, candidate for sheriff, and Phineas Danis, candidate for superintendent of the poor, and Mr. Dowdle, candidate for county treasurer, who is also pretty well fixed.

6117. Q. And have you not credible information that the three last-named persons spent large sums of money to influence the election?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Only in a legitimate manner. They might have spent some money, according to common report.

6118. Q. You may explain what occurred between you and Mr. Fort with reference to a withdrawal from the ticket Democratic candidate for member of assembly.

(Objected to as immaterial.)

A. We had a little conversation as to whether one or the other of us should withdraw in favor of the other. We appointed a time to meet and converse concerning the matter the night before election, but failed to connect, so the matter passed by and we both run. I did not wish to withdraw at any time.

Recross-examination :

6119. Q. Is it not true that the candidates and the Greenback committee agreed that they would not contribute or pay any money during the campaign, except for legitimate campaign expenses, at the first meeting in this city of the committee?

(Objected to as immaterial. Notaries differ.)

A. There was some such understanding among a portion of the candidates on the ticket who met at Mr. Green's office.

6120. Q. Are you willing to swear positively or beyond fear of contradiction that either Van Buren, Danis, or Dowdle contributed and paid to exceed the sum of \$25 to your committee?—A. I don't know anything about the doings of the county committee. Their headquarters were at Fulton.

6121. Q. Was not Mr. Duffy present at this meeting referred to by you?—A. I don't remember whether he was or not.

6122. Q. Will you swear that he was not there?—A. I will not.

6123. Q. Have you had any conversation with Mr. J. B. Alexander, counsel for contestee, about your testimony in this case?—A. I have.

6124. Q. And did you not give him a memoranda of certain matters?—A. I did give him a printed memoranda—part of a file of a paper.

6125. Q. Did you not give him other memoranda?—A. No. I showed him my files, and he took his own memoranda.

GALEN OUDERKIRK.

Sworn to and subscribed before us April 16, 1879.

S. M. COON,

*Notary Public.*

WILLIAM W. GREEN,

*Notary Public.*

STATE OF NEW YORK,

*City and County of Oswego :*

In the matter of the contested election of Joseph Mason to the Forty-sixth Congress of the House of Representatives of the United States from the twenty-fourth Congressional district of the State of New York.

To Sebastian Duffy, contestant, and Henry D. Baker, agent and attorney for contestant in the matter of the taking of testimony and the examination of witnesses on the part of and in behalf of contestant :

You will please take notice that on the 8th day of March, 1879, at the law offices of John J. Lamoree, numbers 10 and 11 Arcade block, east

end of lower bridge, in the city and county of Oswego, State of New York, before S. Mortimer Coon, esq., an attorney and counselor of the supreme court, and one of the notaries public duly appointed and confirmed as such notary public within and for the said county of Oswego, I will proceed to take the deposition of the following (named) citizens of said county for the purpose of answering depositions heretofore taken and attested by and on the part of contestant, and for the further purpose of sustaining the several allegations and specifications particularly set forth in my answer heretofore served herein upon you on the 15th day of January, 1879, and to be read as evidence upon the trial of this contest: William I. Rassmussen, Calvin S. Sumner, Chauncey Smith, James L. Quigg, Charles S. Newell, John Ratigan, Joseph Dempsey, Edward Sayer, Charles Baker, Thomas Walpole, Dennis Driscoll, Eugene Purple, George Thompson, James Cosgrove, Michael O'Brien, John Cody, Patrick Kelley, Patrick Fitzgibbon, Frances A. Mitchell, Hon. Charles North, Patrick Danaher, Patrick Brennan, Thadeus Wilbur, Jeremiah Hartigan, Thomas Gill, George Thompson, H. L. Howe, Nathan M. Rowe, John Dowdle, William Pentatow, Henry W. Miller, Peter Dolan, Michael Curran, Edwin Chase, J. Lawrence McWhorter, J. W. Roach, Walter Stebbins, Jerome Clement, Samuel C. Albro, George H. Peckham, J. C. Comer, Frederick W. Croft, Frank J. Walker, Peter Garahan, Hon. Alanson S. Page, Peter Dowdle, Edward Dowdle, Thomas Hadlere, Chester Penfield, George Churchill, Galen Ouderkirk, N. B. Foot; all of whom reside in the city of Oswego, N. Y.; also, Hon. Andrew Z. McCarty, John W. Shea, and Hon. Nathan B. Smith, who reside at the village of Pulaski, N. Y.; also, Hon. Andrew S. Coey, who resides at Redfield, in the county of Oswego, New York; also, Hon. De Witt C. Peck, Hon. Timothy W. Skinner, Edwin Huntington, and Henry C. Peck, who reside at the village of Mexico; also, Charles G. Willcox, who resides at the town of Scriba, in the county of Oswego; also, Hon. George M. Cose, Henry C. Howe, esq., Joel S. Palmer, and Fred. Bennett, who reside at the village of Fulton, in said county of Oswego; also, Whipple Darling, who resides at Oswego Falls, N. Y. Said depositions will commence and be taken between the hours of nine o'clock in the forenoon and ten o'clock in the afternoon of said day, and the taking thereof will be continued, if necessary, from day to day thereafter at the same place and between the same hours till completed.

Respectfully yours, &c.,

JOSEPH MASON,  
By J. J. LAMOREE,  
*His Attorney.*

Due service of notice of which the foregoing is a copy is admitted this 3d day of March, 1879.

H. D. BAKER,  
*Attorney for Contestant.*

EXHIBIT A.

UNITED STATES OF AMERICA,  
*State of New York, Oswego County:*

In the matter of the contested election in the Twenty-fourth Congressional district, in the State of New York, for the Forty-sixth Congress of the United States. Sebastian Duffy, contestant; Joseph Mason, contestee.

It is hereby stipulated that the examination of witnesses on the part of the contestee in the above-entitled contest shall be, and the same is

hereby, adjourned from the evening of the 17th day of March, 1879, at 6 p. m., to the morning of the 22d day of March, 1879, at 9 a. m., and that the time for the said contestee to take evidence in said contest shall be and the same is hereby extended four days from and after the time limited for that purpose by the statutes of the United States, to wit, until and including the eighty-fourth day from and after the day of the serving the answer of said contestee upon said contestant; and it is further stipulated that the time for the said contestant to introduce evidence in rebuttal in said contest shall commence at the expiration of the day last aforesaid, to wit, on the eighty-fifth day from and after the serving said answer, and shall continue ten days, to wit, to and including the ninety-fourth day from and after the serving said answer, being four days after the time for that purpose limited by said statutes. The hearing upon all notices served on or before the close of March 17, 1879, and yet in force and unfilled shall be adjourned to the morning of March 22d at the hour aforesaid. The above stipulation extends only to the county of Oswego.

Oswego, March 15, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
J. J. LAMOREE,  
*Attorney for Contestee.*

February 27, 1879, marked contestee's Exhibit No. 4.

WILLIAM W. GREEN,  
*Notary.*  
S. M. COON,  
*Notary Public.*

STATE OF NEW YORK,  
*Oswego County, ss:*

In the matter of the contested election between Sebastian Duffy, contestant, and Joseph Mason, contestee, for the Congressional seat in the House of Representatives of the United States of America, in the Forty-sixth Congress, from the twenty-fourth Congressional district of the State of New York.

I, S. M. Coon, a notary public in and for the county of Oswego and State of New York, having been selected by Hon. Joseph Mason, the contestee in the above-named matter, to take depositions in his behalf, do hereby certify that I have been engaged in taking depositions and comparing the same with W. W. Green, esq., associate notary, on the part of said Sebastian Duffy, and in the signing of testimony and certificates, fifty-three days, and that my services are and were reasonably worth the sum of \$10 per day, amounting in all to the sum of \$530.

Dated Oswego, N. Y., May 5, 1879.

S. M. COON,  
*Notary Public.*

Depositions taken and duly certified on the part of Hon. Joseph Mason, contestee, as taken before Chester O. Case, notary public in and for Oswego County, State of New York, and D. J. Van Auken, associate notary, at the instance of Sebastian Duffy, contestant, together with certificate of notaries to depositions, exhibits, &c.

CHESTER O. CASE,  
*Notary Public.*

*Notaries' certificate.*

STATE OF NEW YORK,

*Oswego County:*

We, Chester O. Case and Daniel J. Van Auken, notaries public of the county of Oswego in said State—the said Chester O. Case being the notary named in the annexed notice for taking depositions on the part of the Honorable Joseph Mason, the contestee in the contest mentioned in said notice, and the said Daniel J. Van Auken being the notary selected by Sebastian Duffy, the contestant in said contest, to officiate with the said Chester O. Case in the taking of the depositions mentioned in said notice, pursuant to section one hundred and eighteen (118) of the Revised Statutes of the United States—do hereby certify that Frederick Shelmerdine, Charles North, Jeremiah Hartigan, Patrick Danaher, Joseph Dempsey, James Cosgriff, Patrick Fitz Gibbons, Edwin Chase, James G. Sharpe, Charles R. Parkinson, Walter Stebbins, John L. McWhorter, Fred. Bennett, Joel S. Palmer, George Kellogg, and Daniel E. Taylor appeared before us, pursuant to the annexed notice, as witnesses on the part of Joseph Mason, the said contestee in said notice mentioned, and were by us first severally sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of the contest in said notice mentioned; that we caused the testimony of the said witnesses, together with the questions proposed by the agents of the said parties, to be reduced to writing in our presence and in the presence of the agents of the parties and of the said witnesses, which testimony and questions, thus reduced to writing, we caused to be duly attested and subscribed by said witnesses severally in our presence and in the presence of the agents of said parties; that said testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto attached, and was continued from day to day as provided in said notice, which testimony, so reduced to writing, is hereto attached; that attached to said testimony are—

First. The said notice to take depositions as aforesaid, dated March 13, 1879, signed by the said contestee, by his attorney, John J. Lamoree, and with an admission of due service thereof indorsed thereon, dated March 13, 1879, and signed by his attorney, H. D. Baker, and which notice is marked A.

Second. A paper marked Exhibit No. 1, April 14, 1879, which is a true copy of the official canvass of the votes cast in Oswego County at the general election held in said county November 6, 1877.

Third. A paper marked Exhibit No. 2, April 14, 1879, which is a true copy of the official canvass of the votes cast in Oswego County at the general election held in said county November 5, 1878.

Fourth. A paper marked Exhibit No. 1, April 16, 1879, which is a true copy of the notice of contest served by the contestant on the contestee, with admissions of the agents of the parties that it is such copy indorsed thereon.

Fifth. A paper marked Exhibit No. 3, April 16, 1879, which is a true copy of the answer of the contestee to the notice of contest of the contestant, with admission of due service thereof indorsed thereon.

Sixth. A paper marked Exhibit 3, April 14, 1879, which is the affidavit of A. Z. McCarty, dated February 22, 1879, of the service by him upon Sebastian Duffy, the contestant of the answer of the contestee.

Seventh. Fourteen papers marked, beginning with Exhibit No. 4, April 16, 1879, and so on, continuously, up to Exhibit No. 18, April 16, 1879, which are true copies of the several reports made by the super-

visors of elections in the eight wards of Oswego City of the election held in said wards on the 5th day of November, 1878, for Representative in Congress, as certified by the chief supervisor of elections, with his certificate attached to each of said papers.

Eighth. A paper marked "Rec'd and filed on the part of the contestee this 2d day of April, 1879. C. O. Case, notary; D. J. Van Auken, notary;" and which is a stipulation signed by the agents and attorneys of the parties to said contest extending the time for taking depositions in said contest seven days, with a further stipulation indorsed thereon, further extending said time one day and signed by said attorneys.

Dated May 5, 1879.

CHESTER O. CASE,  
*Notary Public.*  
D. J. VAN AUKEN,  
*Notary Public.*

MARCH 17, 1879—2 p. m.

Proceedings commenced pursuant to adjournment.

FREDERICK SHELMEKDINE, being duly sworn, did depose and say as follows, to wit:

984. Question. What is your name, age, and residence?—A. My name is Frederick Shelmerdine; residence, seventh ward, Varick street, No. 11; age, 42 years.

985. Q. What is your occupation?—A. Since being in this country my occupation has been that of a laborer; my trade is in rolling-mill.

986. Q. What country are you a native of?—A. England.

987. Q. In what year did you come to this country?—A. In 1863.

988. Q. When did you first go to work in the Oswego Starch Factory?—A. About June, 1863.

989. Q. What was you employed at?—A. First as laborer, afterwards worked about the machinery.

990. Q. How long did you continue to work at the starch factory?—A. Till 1865.

991. Q. Then where did you go to work?—A. Oswego Rolling Mill.

992. Q. How long did you continue to work at the rolling-mill?—A. From four to five months.

993. Q. Then where did you go to work?—A. Oswego Starch Factory.

994. Q. How long did you work there?—A. About two months.

995. Q. Was the rolling-mill idle in the mean time?—A. Yes, sir.

996. Q. At the end of the two months where did you go to work?—A. On the docks.

997. Q. Doing what?—A. Unloading vessels.

998. Q. Then where did you work?—A. In the rolling-mill.

999. Q. How long did you continue there?—A. Till it shut down—about twelve months.

1000. Q. Then where did you go to work?—A. I went West.

1001. Q. How long was you gone?—A. Went in fall and came back in spring.

1002. Q. Then where did you go to work?—A. I worked on the docks a little while.

1003. Q. Then what?—A. Oswego Starch Factory.

1004. Q. What year was that you returned from the West?—A. In the year 1867.

1005. Q. How long did you continue to work at the starch factory?—A. I think it was till 1872.

1006. Q. What was your business during that time?—A. Most of the time looking after the machinery.

1007. Q. Did that business take you to all parts of the factory?—A. To all parts of the new factory; what they call No. 2 factory.

1008. Q. Is that the principal factory?—A. I cannot say; No. 1 and No. 2 factories are about the same size.

1009. Q. Have you been employed in the starch factory since 1872; and if so, in what years?—A. I have not.

1010. Q. Where did you go to work when you left the Oswego Starch Factory?—A. Ames iron-works.

1011. Q. Was you employed in the fall of 1878 upon the building in process of erection by Thompson Kingsford, on the corner of West First and Seneca streets in the city of Oswego?—A. I was.

1012. Q. When did you become a voter?—A. In 1870.

1013. Q. And have you voted in the seventh ward of Oswego City from that to the present time?—A. I have.

1014. Q. Do you remember the election when Grant was first elected President of the United States?—A. I do.

1015. Q. In what year was that?—A. In 1868.

1016. Q. Do you remember was Mr. Thomas Kingsford one of the Republican Presidential electors voted for that year?—A. I don't remember.

1017. Q. Did you hear a conversation between Mr. Thomas Kingsford and some of the workmen in the starch factory relative to said election? (Objected to on part of contestant's counsel.)

Question withdrawn.

1018. Q. Do you remember the Presidential election in 1864, when Lincoln ran for President the second time?—A. Yes, sir.

1019. Q. Was Mr. Thomas Kingsford one of the Republican Presidential electors that year?—A. Yes.

1020. Q. Did you hear a conversation between him and some of the workmen in the starch factory a short time before that election?—A. Yes, sir.

1021. Q. Whereabout in the factory was it?—A. Place on the lower story of the factory called the hollow, where the starch is run into boxes to drain the water off.

1022. Q. How many workmen were present?—A. From eight to ten.

1023. Q. Now state what Mr. Kingsford said.

(Objected to by counsel for contestant as improper and irrelevant.)

A. He bid them all good morning; said, "I am working for Mr. Lincoln; you will do me a great favor by voting for me"; he said, "I am running for office."

1024. Q. What did the men say in reply, if anything?—A. One man said, "Mr. Kingsford, I will do what I can for you"; some other of the men said they could not vote that ticket at that time.

1025. Q. What reply did Mr. Kingsford make, if any?—A. He said, "if you can't vote for me you can't; if you can I will be much obliged to you."

1026. Q. Was anything more said?—A. No; nothing except some shouted hurrah for Mr. Kingsford and some hissed.

1027. Q. What was Mr. Kingsford's manner throughout, pleasant or otherwise, during the interview?—A. Very pleasant.

1028. Q. Was he not usually on very pleasant terms with the workmen employed in the factory?—A. Always very pleasant.

1029. Q. Did he show any displeasure whatever towards the men who told him they could not vote that ticket at that time?—A. He did not.

1030. Q. During the time that you was employed in the starch factory, did you hear the subject of politics alluded to in any way by either of the Kingsfords except on that occasion?—A. No; I did not.

1031. Q. Did any one, either of the Kingsfords, or any one of the bosses, or foremen, or employes of the starch factory attempt to interfere in any way with your exercise of the elective franchise while you was employed at the starch factory?—A. No, sir.

1032. Q. While you was employed there did you see or hear of any instance in which either of the Kingsfords or any boss or foreman of the factory attempted to interfere with the exercise of the elective franchise of any employe in the factory?—A. No.

1033. Q. Did any person employed in the factory while you was employed there at any time complain to you or in your hearing that he was afraid he might lose his place or be discharged if he voted any other than the Republican ticket, or anything to that effect whatever?—A. No, sir.

1034. Q. From your acquaintance with operatives at the starch factory and from all that you have ever seen or heard there, do you believe that any intimidation or improper interference whatever was exercised by either of the Kingsfords or by any boss or foreman in the factory with respect to the votes of the employes?—A. No, sir.

(Objected to by attorney for contestant on ground of being immaterial and irrelevant, and not a proper subject for the opinion of witness, and moves to strike out the answer. Notary C. O. Case for admitting the testimony.)

1035. Q. Is not the employment at the starch factory such as to keep the men very busy during the hours of labor?—A. Yes, sir.

1036. Q. So far as your observation extended are politics discussed at all during the hours of labor at the factory?—A. I never hear politics discussed there.

1037. Q. When the hours of labor are over what becomes of the men?—A. They go home, or where they please; they are not allowed to stop at the factory.

1038. Q. How do the men go to the polls on election days, altogether or by detachments?—A. They go in small squads.

1039. Q. And why is that?

(Objected to by attorney for contestant as not proper, as calling for witness's opinion. Objection overruled by both notaries.)

A. Because they are afraid of the waste of starch.

1040. Q. Do you mean that it is done in order that the work at the factory may proceed without interruption?—A. I do.

1041. Q. Was ever anything said to you at the factory as to whom you should get your votes of at the polls?—A. No, sir.

1042. Q. What directions, if any, were ever given to you at the factory?—A. Go and vote and hurry back.

1043. Q. What was you told to do when you got back?—A. Report to your boss.

1044. Q. And did you ever hear on election day any direction to the men to report to their bosses except to report to the bosses on their return from the polls?—A. No, sir.

1045. Q. What time did you go to work in the building referred to last fall?—A. October 2.

1046. Q. And how long was you employed there?—A. Until they shut down; till work was suspended, at the beginning of the winter.

1047. Q. Was there any attempt whatever on the part of Mr. Kingsford, or any person in his employ, to interfere in any way with the vote



of any person employed in that building so far as you have any knowledge, information, or belief?—A. Not any, sir.

1048. Q. Do you know Alexander Lemon?—A. I do.

1049. Q. Was he employed in the factory when you was there in 1868 and 1869?—A. He was.

1050. Q. And did he cease work there some time in 1869?—A. He did, sir.

1051. Q. State what, if anything, you saw there shortly before he ceased work there?—A. I saw him caukling the floor; he worked by a small hand-lamp; as I was going through the room I saw the lamp tipped over, but was still burning. I lifted the lamp up and put it by the side where he was working. I went away to oil machinery in that room. I met Mr. Davis; he said, "Have you seen anything of Lemon?" Davis was one of the superintendents of the factory. I said there is a man working here, I don't know what his name is, he acts very queer to me. Davis said, "Come with me and see if we can find him." We went to where he was working and the lamp was tipped over again. Mr. Davis says, "Lemon, do you intend to burn the building up?" He says, "No." Davis says, "Why, your lamp is tipped over." Davis says, "That is another place that has been burned," and asked me if I knew anything about it. I told him I found the lamp the same as he found it, half an hour before that. Mr. Davis told him he had better go over to the office, and Lemon told Mr. Davis he might go to hell. Mr. Davis told me to stop there and not leave the sight of Lemon for a second. In a few minutes Mr. Davis returned and brought Mr. Thomas Kingsford with him. He, Kingsford, called him by name and said, "Ellick, what do you mean; do you mean to burn me up?" He said, "No, sir." Kingsford asked him if he had been drinking. He said, "Did you ever know me to drink since I came from Jersey with you?" Kingsford said, "There is something wrong—you had better go up into my office." Then Mr. Thomson Kingsford came in, and then the Kingsfords, Davis, and Lemon went away together. Soon after Mr. Davis came to me and wanted my lamp. He took the lamp and went and found a bottle of whisky under the second tank. Lemon was at work between the first and second tanks.

1052. Q. What was Lemon's condition at that time?—A. He seemed to be "tipsy" then.

1053. Q. Was he discharged?—A. I don't know; I saw no more of him around the building.

1054. Q. Do you know the person whom you saw there on that occasion to be the Alexander Lemon who now lives on the corner of West Utica and Seventh streets?—A. Yes, sir.

Cross-examined:

1055. Q. When did you come to this country?—A. 1863.

1056. Q. Where did you land?—A. Point Levy, Canada.

1057. Q. Where did you go to from there?—A. A place called Mell-point, Upper Canada.

1058. Q. When did you arrive there?—A. Some time in May, 1863.

1059. Q. How long did you remain there?—A. About two months.

1060. Q. What were you doing while you were there?—A. Fireman.

1061. Q. In what kind of an establishment?—A. Rathbun & Co.'s saw-mill.

1062. Q. Where did you go to from there?—A. Kingston, Canada West.

1063. Q. How long did you stay at Kingston?—A. About twelve hours.

1064. Q. Engaged in any work there?—A. No, sir.

1065. Q. Where did you go to from there?—A. Oswego.

1066. Q. How long did you stay in Oswego?—A. Been absent from Oswego only two winters since I came here.

1067. Q. Were you married before you came to this country?—A. Yes.

1068. Q. Did your wife come with you to this country?—A. Yes; soon after, about two and a half months after.

1069. Q. Has she lived here ever since?—A. Yes, sir.

1070. Q. When you applied at the starch factory for work, who did you apply to?—A. Thomson Kingsford.

1071. Q. Where did you find him?—A. I waited outside for him till the gentleman came along I wanted to see.

1072. Q. What work did he put you at first?—A. Hod-carrying.

1073. Q. On what building?—A. Brown-stone factory.

1074. Q. Was he building it at that time?—A. Yes, sir.

1075. Q. What boss did he put you under?—A. Mr. Spencer, for first few days.

1076. Q. What is Spencer's Christian name?—A. I could not say. He works in factory.

1077. Q. He still works in factory. Is he one of the bosses now?—A. Yes, sir.

1078. Q. What did you work on next?—A. Attended masons under Baker.

1079. Q. How long did you continue to attend masons under Baker?—A. It was very late in the fall.

1080. Q. Did you work in the starch factory through the winter?—A. Yes.

1081. Q. What did you work at through the winter?—A. Mostly wheeling dirt out of the factory, under Baker.

1082. Q. Did you stay there longer than until the next spring?—A. I did.

1083. Q. What did you do after you got through wheeling out dirt?—A. Helping with the machinery.

1084. Q. What did you do about the machinery during that summer?—A. Oiled and greased the machinery.

1085. Q. How long did you continue to oil and grease the machinery?—A. Until 1865.

1086. Q. What time in 1865?—A. I think in the fall.

1087. Q. Did you quit work at the starch factory at that time?—A. I believe they wanted to fine me twenty-five cents for coming late, and I left.

1088. Q. When was that?—A. About eight days before Christmas.

1089. Q. Who proposed to fine you twenty-five cents for coming late?—A. Mr. Sayers.

1090. Q. Was he the head boss at that time?—A. I don't know about head boss. He was boss and time-keeper.

1091. Q. Did you come late?—A. Yes, sir.

1092. Q. Where did you go to work from there?—A. Rolling-mill.

1093. Q. Whose employ were you in at the rolling-mill?—A. There was a company there. A. G. Cook was the head man.

1094. Q. What branch were you engaged in there?—A. What they call the heater.

1095. Q. How long did you work at the rolling-mill on that occasion?—A. From fall till spring.

1096. Q. What was the occasion of your leaving work there?—A. Closed up. It was too warm.

1097. Q. Where did you go to work after that?—A. Back to starch factory.

1098. Q. Did you go to the starch factory as soon as you quit work there?—A. I did.

1099. Q. Can you tell what time you went to work there?—A. I think in May; am not certain.

1100. Q. What year?—A. Eighteen hundred and sixty-six.

1101. Q. What did you go to work at when you went back there on that occasion?—A. Worked as fireman.

1102. Q. How long did you continue to work there?—A. About two months.

1103. Q. When you went there at that time who did you apply to for work?—A. Mr. Davis.

1104. Q. What was the occasion of your leaving at the end of two months?—A. They wanted to fine me one dollar.

1105. Q. Who wanted to fine you one dollar, and what was the alleged cause?—A. It had been reported that I was tight and neglected my duty. Sayers wanted to fine me.

1106. Q. Had you been tight?—A. No, sir.

1107. Q. You quit, then, of your own accord rather than pay the dollar fine?—A. I quit rather than pay the dollar fine. I had neglected my duty.

1108. Q. Did you sign a book with the rules and regulations when you went there?—A. I believe I did.

1109. Q. Was there any provision in that for being fined for being tight?—A. I think there was.

1110. Q. What was the fine?—A. The book does not state.

1111. Q. You were engaged at that time at night service, were you not?—A. I was on night watch one week and day watch next, alternated, to take care of boilers and keep fires.

1112. Q. It was in night-watch that they wanted to fine you for neglect of duty, was it not?—A. It was.

1113. Q. Was there a provision in the book you signed imposing a fine for getting asleep and neglecting duty while engaged as you were then engaged?—A. Yes; there was.

1114. Q. Did you let the fire go out, on that occasion when you got asleep, or get down?—A. No, sir.

1115. Q. Was there a complaint that fire got low in the morning when they came to go to work?—A. I was sent down by a man called Phillips to go and pick my lamp up. "I will report you in the morning asleep. It is against the rule of the Oswego Starch Factory to have any one asleep who is looking after boilers; it might blow the place up."

1116. Q. Did you deny at that time that you had been asleep?—A. I denied it to Phillips, and then he said my breath smelled of liquor. I told him I knew I was asleep, but had not had any liquor.

1117. Q. Had you drank liquor the night before?

(Objected to as immaterial by attorney for contestee. Notaries disagree.)

A. No.

1118. Q. Had you drank any the day before?—A. No, sir.

1119. Q. Did you call to the office on that occasion?—A. Yes, sir.

1120. Q. Who was present in the office?

(Objected to by attorney for contestee as immaterial. Objection sustained by Notary Case.)

A. Bookkeeper Mr. Woods and another gentleman.

1121. Q. Was you then notified that you were fined a dollar for being asleep on your post?—A. No, sir; I asked them if Mr. Sayers had given in my time.

1122. Q. Who notified you that you were fined \$1 for being drunk, neglecting your duty?—A. Mr. Sayers.

1123. Q. Where?—A. At a place called fire-room.

1124. Q. Was that before you went to the office?—A. Yes; about 20 minutes after 5 in morning.

1125. Q. Didn't you deny to him, Sayers, that you had been asleep?—A. No, sir.

1126. Q. Did he charge you of being asleep and being drunk?—A. He did.

1127. Q. Then did you put in a general denial of the charges?—A. I said I had not drank since I had been on the premises. I said I had been asleep, and he said he would not discharge me for that, but would fine me \$1.

1128. Q. Where was you naturalized?—A. In Oswego.

1129. Q. When?—A. In 1870 I got my last papers.

1130. Q. Can you tell what time in 1870?—A. Soon after Christmas in 1869; can't tell exactly what time.

1131. Q. What court?—A. Oswego County court.

1132. Q. You voted, you say, in spring of 1870?—A. I did.

1133. Q. Did you vote before you were naturalized?—A. No, sir.

1134. Q. Where was you at work at that time?—A. Oswego Starch Factory.

1135. Q. Was that before or after you had been West?—A. After I had been West.

1136. Q. How long after that did you continue to work in the starch factory?—A. I think three years.

1137. Q. In the spring of 1870 you say you voted?—A. Yes.

1138. Q. What ticket did you vote?—A. Republican.

1139. Q. Did anybody advise you to vote Republican ticket?—A. No, sir.

1140. Q. Have you voted the Republican ticket ever since?—A. Yes, sir.

1141. Q. At the time you quit the starch factory because you would not pay the \$1 fine, where did you next go to work?—A. On the dock.

By consent of the respective parties these proceedings are adjourned until the 22d day of March, 1879, at 9 a. m.

March 22, 1879, at 9 o'clock a. m., cross-examination of Frederick Shelmerdine resumed, pursuant to adjournment.

1142. Q. Your examination in this proceeding was commenced Monday last, was it not?—A. It was.

1143. Q. The question up to the last question was on that day, was it not?—A. Yes, sir.

1144. Q. The examination was then adjourned until to-day, which is Saturday, 22d of March?—A. Yes, sir.

1145. Q. On taking the stand to resume the examination you requested your testimony, as far as you had gone, be read to you, did you not?—A. I did.

1146. Q. You requested it be so read to you before you proceeded to the examination, and was so read?—A. Yes.

1147. Q. Why did you desire it be read to you before proceeding to

the examination?—A. Because I was not certain whether I first voted in 1870 or in 1871.

1148. Q. Did you not say, when you asked to have it read to you, that it had been some time since Monday and you could not remember just what you swore to, or words to that effect?—A. I don't think I did.

1149. Q. Didn't you say, in asking to have it read to you or in the course of that conversation, that it had been some time since Monday, or that it had been some time since testimony had been taken, or words to that effect, and say you wanted it read on that account, or words to that effect?—A. I think I did say something that way, sir.

1150. Q. You say now you wanted it read over because you wanted to find what year you voted?—A. I wanted to find out what year I voted.

1151. Q. How did you expect to find from your own testimony what year you voted?—A. I wanted to correct my testimony, because I could not tell whether I voted in 1870 or 1871.

1152. Q. Is that the only answer you will give?—A. That is all, sir.

1153. Q. Now, did you, while that part of your testimony was being read which relates to your voting, ask to have it so corrected that it should appear that you did not know whether you first voted in 1870 or 1871?—A. Yes, sir.

1154. Q. Did the notaries or either of them so correct it?

(Objected to by attorney for contestee: 1st, as immaterial and improper; and 2d, that when the question was read by contestant's counsel it was contended that if the correction was made at all it should be made by witness in his further examination. Notaries disagree.)

A. Yes, sir; they did, something that way.

1155. Q. Had you forgotten, at the time you requested to have your testimony read over to you, what you did swear to on that subject?

(Objected to by attorney for contestee as entirely immaterial.)

A. No, sir.

1156. Q. What business have you been engaged in for the last five years?—A. I worked in Herrick's car works from the time they started till the time they shut down; from 1873 to the fall of 1874, I think. I worked in King's and then in Ames's and then up to the car works during that time. In 1875 I had a job lighting city lamps. I worked for Turner on the tunnel at the same time. I lit the lamps through the winter of 1875 and 1876. In 1876, I think, the first job I had was on the school-houses. I worked at Oswego Blue Temperance Lodge in 1877. In 1878 I worked at Kingsford's in the fall, and worked same year in Guimare's block under Barnett, also on the Kingsford building. Most of this winter I worked with snow-plow on the railroad.

1157. Q. Were you a member of the Baptist Church at one time?—A. I was, sir.

1158. Q. When?—A. About 1868.

1159. Q. Did you join it in 1868?—A. I think so.

1160. Q. Was you turned out of the Baptist Church in 1868?

(Objected to as immaterial.)

A. No, sir.

1161. Q. When was you turned out?

(Same objection.)

A. In 1877.

1162. Q. Turned out on a charge of drunkenness, or was that one of the charges against you?—A. No, sir.

1163. Q. What was the charges?—A. I think it was for striking my son.

1164. Q. It was the West Baptist Church you joined, was it?—A. Yes, sir.

1165. Q. Is that church commonly known as Kingsford's church?  
(Objected to by attorney for contestee. Notaries differ.)

A. No, sir.

1166. Q. It was built under the auspices of Mr. Kingsford, was it not?

(Objected to by attorney for contestee as immaterial and improper. Objection sustained by Notary Case; contra, Van Auken.)

A. I can't tell how it was built. I saw Mr. Kingsford about the building when it was building.

1167. Q. Was Mr. Kingsford a member of it when you joined?

(Objected to by attorney for contestee for same reason as No. 1166; same ruling.)

A. I believe he was.

1168. Q. Is he an active and leading member?

(Objected for same reasons as No. 1166, and same ruling.)

A. I don't know about a leading member; he has been a deacon since I knew about it.

1169. Q. Was you at work for him, at the starch factory, at the time you joined the church?

(Objected to same as No. 1166, and same ruling.)

A. No, sir.

1170. Q. Where was you at work?—A. Nowheres.

1171. Q. How long after you joined the church did you go back to the starch factory and try to get work?—A. In a month or two after that Mr. Davis came to me and asked me to go to work.

1172. Q. Had you applied there for work before you joined the church and after you quit the last time?—A. No, sir.

1173. Q. Davis belonged to the same church, did he not?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. No, sir.

1174. Q. Had you belonged to the Baptist Church, or any other Baptist Church, before that?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. No, sir.

1175. Q. You never belonged to any church, whatever, until you joined the West Baptist Church, did you?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. I had belonged to the Episcopal Church.

1176. Q. For how many years.

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. I think it was in 1853 I joined the Episcopal Church.

1177. Q. Did you remain a member of that church till you joined the Baptist Church, or about that time?

(Objected to as before.)

A. I can't say as to membership. I never attended the Episcopal Church regularly after I came to the United States.

1178. Q. Are you sure it was in 1863 you joined the Episcopal Church?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. Yes, sir; I joined the church at Mill Point, Canada.

1179. Q. You swear that the Baptist Church you belong to was not sometimes called Kingsford's church?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. I never heard the members, or any one that attended there, call it Kingsford's church.

1180. Q. Was it sometimes called Kingsford Church by people who do not attend church?

(Objected to by attorney for contestee same as No. 1166, and same ruling.)

A. I have heard it called Kingsford Church by those who did not attend church there, and by our detective lawyers.

1181. Q. By our detective lawyers, do you mean the counsel who are now examining you?—A. I do.

1182. Q. Did you ever hear such counsel call it Kingsford's Church, except in the questions propounded to you on this cross-examination?—A. I did.

1183. Q. When?—A. I can't say just the time.

1184. Q. State the question near as you can.—A. About a month since.

1185. Q. Where?—A. In Oswego County court-house.

1186. Q. In what connection did he so call it?—A. In connection with his talk with Judge Churchill, a man from the third ward.

1187. Q. Will you swear that this church is not so well known in this community as Kingsford's Church, that if you should hear it so called you would not know what church was meant?

(Objected to same as No. 1166, and for the reason that it is done to consume time.

Same ruling as to No. 1166.)

A. If members of the church should call it so, I should not know what church was meant. If outsiders should call it so, I should know what church was meant, and that it meant that church.

1188. Q. Have you been engaged in cleaning out vaults in city of Oswego part the time?—A. I took the job of doing so and hired men to do it.

1189. Q. For how long a period?—A. For the summer of 1877.

1190. Q. Why did you not mention that as one of the occupations you had been engaged in for the last five years?—A. I said I worked at the public schools before.

1191. Q. Is that the only answer now you can give?—A. I think that answer is sufficient.

1192. Q. What year was Thomas Kingsford a Presidential elector?—A. In 1864.

1193. Q. What time in that year did you hear the conversation between him and the men in the place called the Hollow?—A. I think in November.

1194. Q. What time in month of November?—A. A day or two before election.

1195. Q. Can you give us the names of any of the men who were present at that conversation?—A. One man was Dan Mahoney; goes by the name of "Big Tim." I can't remember any more. Some are at work there now. I can't remember their names.

1196. Q. Where does Dan Mahoney—"Big Tim"—live now?—A. He is dead.

1197. Q. Can you give a description of any of the other men who were there, whose names you say you don't know, so that they can be iden-

tified?—A. One man who works there has two sons who are barbers; one has a shop over West's bakery; the other is in Paine's barber-shop. Their names are O'Brien.

Adjourned until 2 p. m.

Cross-examination resumed, pursuant to adjournment.

1198. Q. Can you now remember any of the other persons who were engaged in this conversation with Mr. Kingsford a few days before the election in 1864? If so, give the names.—A. I cannot.

1199. Q. Are there any others you can describe or give their present residence, occupation, place of business, or relationship to any other persons, so that they can be identified or found?—A. I cannot.

1200. Q. Were you well acquainted with those men with whom that conversation occurred at that time?—A. No, sir; I am not.

1201. Q. Can you tell who the man was that told Mr. Kingsford in that conversation he would do what he could for him?—A. Dan Mahoney, called "Big Tim."

1202. Q. Can you tell who it was that told Mr. Kingsford in that conversation that he could not vote that ticket this year?—A. I cannot.

1203. Q. You can't tell any of them?—A. I cannot; any of those who said they could not vote for him.

1204. Q. Were they persons whom you knew and were personally acquainted with?—A. I was not acquainted with any only what I have learned since.

1205. Q. Do you remember now that you saw any one of the persons who told Mr. Kingsford on that occasion that he could not vote that ticket that year working at the starch factory at any time before that or at any time after?—A. I saw the men working at the factory after, but I did not know their names.

1206. Q. How many of them after that did you see at work?—A. I could not tell.

1207. Q. Did you see more than one?—A. Can't tell.

1208. Q. Can you give us some description of the one you did see on that occasion, by giving his occupation, residence, or his relation, either at that time or at any other time, or by giving any other description by which he can be identified?—A. No, sir.

1209. Q. How long after the November election will you swear that you saw that person at work at the starch factory who told Mr. Kingsford that he could not vote that ticket?—A. No, sir.

1210. Q. How many of them were there that told Mr. Kingsford they could not vote that ticket that year?—A. I could not see how many spoke at that time—the sound came up.

1211. Q. Could you identify the persons who said that at that time?—A. I could not by name.

1212. Q. Could you identify any of them who spoke at that time?—A. I could not.

1213. Q. Were laborers very scarce at that time in Oswego and about in the country?

(Objected to as immaterial.)

A. I could not say; but I know Mr. Kingsford had all the men he wanted.

(Attorney for contestant objected to the last part of the answer as not responsive.)

1214. Q. How do you know Mr. Kingsford had men enough?—A. Because some people came from Mill Point and could not get work here.



1215. Q. Who were those?—A. I don't know.

1216. Q. What branch of work did they fail to get employed in at the starch factory?—A. Common laborers—not skilled laborers.

1217. Q. Did it not require skill to work in this starch business, making starch?—A. I don't know about the skill.

1218. Q. When was it that those Englishmen applied for work at the starch factory?—A. In fall of 1864. They came in in one of the last boats that came to Oswego that fall.

1219. Q. What were their names, or the names of any of them?—A. I can't say now.

1220. Q. How many of them were there?—A. Two or three.

1221. Q. Can you tell which—whether two or three?—A. There were two brothers-in-law. I can't say whether there was another man with them or not.

1222. Q. Do you know Alexander Lemon; and, if so, how long have you known him?—A. I have known him by sight since 1868.

1223. Q. Where did you see him the first time you remember of seeing him?—A. In No. 2 factory.

1224. Q. What part of the factory?—A. I could not say what part.

1225. Q. What time in 1868 was it that you first saw him?—A. I can't tell.

1226. Q. Was this summer or winter or spring or fall?—A. I couldn't say.

1227. Q. What was he doing the first time you remember of seeing him on that occasion?—A. Going through the factory.

1228. Q. Didn't you know him at that time as the man who had charge of a gang of men doing outside work at the starch factory?—A. I never knew him to have charge of a gang of men.

1229. Q. Did you know him as a man who was engaged at outside work at the starch factory?—A. No, sir.

1230. Q. Was he at work in the starch factory at the time you speak of when you remember to have first seen him?—A. Yes; he was in the factory, and would not have been there unless he worked there.

1231. Q. What part of 1868 and 1869 was he employed in the starch factory?—A. I saw him first in the fall of 1868 or spring of 1869.

1232. Q. What was he doing the first time you saw him at work in the starch factory?—A. Calking.

1233. Q. Is that the time you have reference to in your direct examination when you spoke of his lamp having been tipped over?—A. It is.

1234. Q. Can you tell whether that was in 1868 or 1869?—A. No, sir.

1235. Q. Can you tell whether it was in the spring, fall, summer, or winter?—A. I think it was in the spring of 1869, I am not certain.

1236. Q. What was he calking?—A. Bad spots on the floor.

1237. Q. On what floor?—A. I believe they call it canal floor.

1238. Q. What part of the starch factory is it in?—A. On the tank floor among the tanks.

1239. Q. Where are the tanks, in the garret or basement, in what part of the building?—A. There are some tanks in the garret and some in the basement.

1240. Q. Well, in what part of the building were these tanks where he was calking?—A. Canal floor.

1241. Q. Was it in the basement?—A. No, sir.

1242. Q. Is there a floor below the basement?—A. There is not.

1243. Q. Was the place on the first floor above the basement where he was calking?—A. It was.

1244. Q. How large was the room where he was calking?—A. I never measured it.

1245. Q. Well, how large?—A. It was a large room, I can't tell how large.

1246. Q. Can't you its length?—A. I can't, it is dark; there are a good many tanks in it; it is a large room.

1247. Q. Does this room run the whole length of the factory?—A. Yes; that part of the building, of factory No. 2.

1248. Q. How many windows are there in the room?—A. Don't know; never counted; on one side there are a good many windows.

1249. Q. Which side?—A. East side.

1250. Q. The windows are on the east side of the building?—A. Yes; east side, next to the river.

1251. Q. Which side are the tanks on?—A. In rotation on the river side.

1252. Q. Which way do the rows of the tanks run, or did they at that time?—A. North and south and east and west.

1253. Q. What are these tanks used for?—A. For making starch.

1254. Q. What branch of making starch?—A. I can't tell.

1255. Q. Were they filled at this time with anything?—A. There is always something in them.

1256. Q. Well, what is it; meal and water?—A. I can't tell; they call it starch, it is mixed with water.

1257. Q. Are these tanks round?—A. They are.

1258. Q. Standing on their ends like tubs or pails; are there anything under them to raise them up?—A. Yes, sir.

1259. Q. How high were they raised up at that time?—A. Six or eight inches.

1260. Q. What is the occasion of calking the floor?—A. So it won't leak.

1261. Q. Is the water in the starch in these tanks drained off on the floor?—A. Yes, sir.

1262. Q. So the floor has to be kept water-tight by calking?—A. Yes, sir.

1263. Q. Is the floor constantly wet?—A. Not all the time.

1264. Q. How often is it covered over with water, or water allowed to run over it?—A. It is always wet early in the morning; at other times it gets dried up cleaning the floor.

1265. Q. Do they drain the water off from the starch in the tanks every morning?—A. Sometimes, the tanks they want to use that day.

1266. Q. Is there a window between each two rows of tanks?—A. I never noticed.

1267. Q. What machinery is there in this room the tanks are in?—A. There is a shaft over each tank, and a wooden shaft with a gate attached to stir up the starch with.

1268. Q. What tool did Lemon have, at that time, to work with?—A. Calking hammer and chisel.

1269. Q. Anything else?—A. No, sir.

1270. Q. Was he sitting down when you first saw him on that occasion; standing up or lying down?—A. Standing up.

1271. Q. What was he doing standing up?—A. Kindly laying on the post between the tanks.

1272. Q. How near to him was his lamp?—A. His lamp was not very far; but he could not see the lamp, it was on the other side of the tank.

1273. Q. What kind of lamp was it?—A. Small hand-lamp.

1274. Q. Kerosene-oil lamp?—A. No, sir.

1275. Q. What kind of fluid did they burn in it?—A. Oil; I don't know what kind.

1276. Q. How did you know it was not kerosene oil?—A. I used one myself.

1277. Q. Did you have your lamp at that time with you, or any other lamp?—A. I had my lamp; Kingsford lamp I used.

1278. What places did you have to oil?—A. All the machinery where there was any connection.

1279. Q. Was there any machinery to oil except above the tops of the tanks?—A. There was.

1280. Q. What other machinery in that room did you have to oil except above the tanks?—A. Another heavy shaft where there is no tanks, connecting this line shaft below the tanks.

1280½. Q. Is not all machinery in this room which is not over the tanks in the part of the room where there are no tanks?—A. No, sir; there is not.

1281. Q. What machinery in this room in the part where the tanks are that is not over the tanks?—A. A long shaft runs east and west through the building down between the tanks.

1282. Q. How high is the room between the floor and ceiling?—A. I could not say.

1283. Q. About how high?—A. I could not say.

1284. Q. How high above the tanks?—A. I think about two feet.

1285. Q. When you first saw Lemon there standing up between the posts, did you speak to him?—A. I can't say whether I did or not.

1286. Q. Which did you see first, him or his lamp?—A. Saw Lemon first.

1287. Q. Did he have his calking tools in his hand or hands at that time?—A. I think not.

1288. Q. Where were his calking tools?—A. By his stool.

1289. Q. Where was his stool?—A. Other side of the tank.

1290. Q. How near his lamp was his stool?—A. Two to three feet.

1291. Q. What was the condition of his lamp at that time?—A. On its side.

1292. Q. How near was the wick of the lamp to the floor?—A. The floor and the wick were together.

1293. Q. Did the floor burn?—A. Burned a little when I picked up the lamp.

1294. Q. How deep was the floor burnt—how deep a hole?—A. I could see it had been burnt, that is all.

1295. Q. How large a space?—A. About the size of a half-dollar piece.

1296. Q. What did you do when you discovered the lamp tipped over?—A. I picked up and put it beside his stool.

1297. Q. What did you do next?—A. I went about my business.

1298. Q. What was your business at that time?—A. Oiling the machinery at that time.

1299. Q. Did you say anything to Lemon on that occasion?—A. No, sir.

1300. Q. Did he say anything to you on that occasion?—A. No, sir.

1301. Q. What next occurred on that occasion that you now recollect?—A. I met Mr. Davis.

1302. Q. How long was it after you righted Lemon's lamp you met Mr. Davis?—A. About half an hour, as near as I can guess.

1303. Q. Did you have your lamp when you met Davis at that time?—A. I could not say.

1304. Q. Any conversation occur between you and Davis ?—A. There did.

1305. Q. Who commenced that conversation, and what did he say ?—A. Mr. Davis; and said, "Do you know a man by name of Lemon working here?" I said I knew there was a man but I did not know his name.

1306. Was there any other conversation between you and Davis on that occasion? If so, state what each party said.—A. Davis said he couldn't hear his hammer. I said he looked very queer.

1307. Q. How far was you from the place where Lemon was standing when you had this conversation with Davis ?—A. At the other end where the tanks were. Couldn't say how far.

1308. Q. About how far ?—A. Might have been 50 or 60 feet.

1309. Q. You are sure you state all the conversation between you and Davis on that occasion, and stated it all in answer to questions I have asked at the present time ?—A. I think I have.

1310. Q. What did you next do after your conversation with Davis ?—A. I went with him to that man he called Lemon.

1311. Q. Did you find him in the same place where you left him ?—A. No, sir.

1312. Q. Where did you find him ?—A. Nearer where his lamp was when I left him.

1313. Q. Standing up ?—A. On his knees.

1314. Q. What else did you see there at that time ?—A. Saw Mr. Davis pick his lamp up.

1315. Q. Where was his lamp ?—A. Lying on its side, moved from where it was 5 or 6 feet.

1316. Q. Did you see the lamp there before Davis picked it up ?—A. I did.

1317. Q. Did you notice the floor where it laid ?—A. I did.

1318. Q. Was the floor burnt ?—A. I couldn't say; I saw the oil; Mr. Davis said it was burnt.

1319. Q. Lemon, you say, was on his knees; did he have anything in his hands ?—A. I could not say.

1320. Q. Where was the mallet and caulking-knife at that time ?—A. I don't know.

1321. Q. Was he standing up on his knees, or was he on his knees and hands ?—A. I could not say.

1322. Q. What was he doing ?—A. I did not see him do anything.

1323. Q. Did Davis speak to him ?—A. He did.

1324. Q. Had Lemon got up on his feet before Davis spoke to him ?—A. I think not.

1325. Q. Did he get up when Davis spoke to him ?—A. I think he did.

1326. Q. What was the first Davis said to him ?—A. "Lemon, are you going to burn the building up?"

1327. Q. Did Lemon make any answer to that question ?—A. I think he did.

1328. Q. What was the answer ?—A. "No, sir."

1329. Q. Was Lemon standing up at the time he gave that answer ?—A. I think he was.

1330. Q. Did any further conversation occur between Davis and Lemon at that time? And, if so, state what it was, giving what each party said in their language, as near as you can.—A. There was something further said by both parties. I stepped away and could not hear anything; only, when Davis called me back, I heard Lemon say to Davis, "Go to hell."

1331. Q. Did Davis say anything to you on that occasion after the talk between him and Lemon?—A. He told me not to lose sight for one moment till he came back.

1332. Q. Did Davis then go away?—A. He did.

1333. Q. How long was he gone?—A. A few minutes; could not say how long.

1334. Q. Five minutes?—A. I could not say how many minutes.

1335. Q. Fix the time as near as you can.—A. Perhaps ten minutes.

1336. Q. Did you stay there and watch Lemon while he was gone?—A. I was close by when Davis came back.

1337. Q. What was Lemon doing while Davis was gone?—A. Working.

1338. Q. What was he doing?—A. He had a board measuring.

1339. Q. How large a board was it?—A. I don't know what length; about three or four inches wide; about twelve feet long.

1340. Q. How many times did he measure?—A. I don't know.

1341. Q. Did he measure more than once?—A. I don't know.

1342. Q. Did he get the board after Davis went away?—A. I think he did.

1343. Q. Where did he go after the board?—A. To the side of the tank he was working.

1344. Q. He did nothing else while Davis was gone besides measure that board, did he?—A. I did not see him do anything else.

1345. Q. Did he do anything else that you know of from the time you first saw him standing up between the two tanks, when you saw his lamp tipped over for the first time, and until he left the room with Davis and the Kingsfords, except to measure that board?—A. I could not; I was away. I did not see him do anything else.

1346. Q. Do you know of his doing anything else at that time, or did you hear him do anything else or see anything else that he had done?—A. No, sir.

1347. Q. Did you see him have any saw or hammer there or any material doing work or repairs, except the board?—A. I did not see any; there might have been.

1348. Q. What reason have you to believe there was any other material there?—A. I saw other men have their tools at other times.

1349. Q. Was anybody at work with Lemon at that time?—A. I did not see any.

1350. Q. Has Lemon ever worked in or about the starch factory since that time?—A. Not as far as I know; I have not seen him.

Adjourned until March 24, 1879, at 9 a. m.

March 24, 1879, 9 a. m.—Present, Notaries Case and Van Auker.

Cross-examination of SHELMEKDINE resumed:

1351. Q. Do you know Charles G. Shepard?—A. I do.

1352. Q. How long have you known him?—A. Good many years, can't say how long.

1353. Q. Do you know Alonzo Carson?—A. Not by name; I know the man sitting here.

1354. Q. Did he work in the starch factory while you were there?—A. I don't remember seeing him in the starch factory at all.

1355. Q. Have you known him a good many years by sight?—A. Yes, sir.

1356. Q. Have you been on speaking terms with him for a good many years?—A. Yes, for about four years.

1357. Q. Were you in the collector's office on Friday, the 21st of this month, in the city hall, in the afternoon?—A. I was.

1358. Q. Were Alonzo Carson and Charles G. Shepard there at the same time?—A. They were.

1359. Q. Were you there trying to find out when you were naturalized?—A. I was there trying to find out when I voted, whether in 1870 or 1871.

1360. Q. Did you then say to Alonzo Carson and Charles G. Shepard, or in their presence, or in the presence of either of them, that they wanted you to swear that Lemon was discharged from the starch factory for being drunk, or words to that effect?—A. I did not say anything of that sort.

1361. Q. Did you then say to Alonzo Carson, Charles G. Shepard, or either of them, or in their presence, or presence of either of them, that you never saw Lemon drunk in the world, or words to that effect?—A. I said that to Carson outside of the city hall, on the sidewalk Shepard was not there.

1362. Q. You did say to a man called Carson on the sidewalk, near the city hall, that you never saw Lemon drunk in the world, did you?—A. I believe I said that and more with that.

1363. Q. Did you upon that occasion at or near the city hall in Oswego, say in the presence of Alonzo Carson that you had known Lemon a long time and never saw him when you thought he had been drinking, or words to that effect?—A. Something to that effect.

1364. Q. Will you swear that you did not say something to that effect in the city collector's office, in the city hall, in city of Oswego, on Friday, 21st day of March, in the afternoon, in the presence of both Charles G. Shepard and Alonzo Carson?—A. I don't remember of saying anything in presence of Charles G. Shepard; won't swear I did not.

1365. Q. Who was present besides Alonzo Carson when you swear you said in substance that you never saw Lemon when you thought he had been drinking?—A. No one present but Carson as I can remember, and that man here called Carson.

1366. Q. Did you say to Carson, or the man now present called Carson, on Friday, March 21, that they wanted you to swear that Lemon was drunk, or words to that effect?—A. No, sir.

1367. Q. When Davis left you to watch Lemon until he came back, after Davis had picked up the lamp that was turned over, how long was Davis gone before he returned?—A. From five to ten minutes.

1368. Q. Who came back with him when he returned?—A. Thomas Kingsford.

1369. Q. Now state what occurred between Lemon and Mr. Davis and Thomas Kingsford, stating what was said by each person and done, and the order in which it was said and done?—A. Mr. Kingsford said, "Alexander Lemon, do you intend to burn me up?" Lemon answered, "No, sir." Kingsford said, "Lemon, have you been drinking?" Lemon said, "Mr. Kingsford, did you ever know me to drink since I came from Jersey?" Mr. Kingsford said, "You had better report in my office." There was something more said; I can't tell what it was. Then the three went off together.

1370. Q. Did you remain in the room after Thomas Kingsford, Davis, and Lemon went away?—A. No, sir.

1371. Q. Did you go out of the room with them or before them?—A. I went out of the room through another door, not with them.

1372. Q. About the same time they went out or before them?—A. About the same time.

1373. Q. When did you come back to this room again ?—A. Not until Mr. Davis came for me; wanted to get my lamp.

1374. Q. Was there any other person in this room except you, Lemon, Davis, and Thomas Kingsford from the time you first saw Lemon standing there and saw his lamp tipped over, until you all left the room at about the same time you stated in your answer to a former question ?—A. Mr. Thompson Kingsford came into the room.

1375. Q. Which door did he come in at ?—A. The same door that Mr. Davis and Thomas Kingsford came in at.

1376. Q. Did he come in before or after the conversation between Thomas Kingsford and Lemon that you have given was concluded ?—A. He came in after. I think when they were going out.

1377. Q. Did you hear any conversation between Thompson Kingsford and Thomas Kingsford, or Davis or Lemon on that occasion ?—A. I heard a conversation. Thomas Kingsford said something about going to the office.

1378. Q. What was that conversation ?—A. Something about coming up to the office.

1379. Q. At the time Thompson Kingsford came into the room, how far from the door they went out at were Thomas Kingsford, Davis, and Lemon ?—A. I could not say; the door is upon the next floor above.

1380. Q. Who went ahead out of the room and who next ?—A. I think Lemon was first, Thomas Kingsford next, and Davis and Thompson Kingsford last, talking together.

1381. Q. Did you see the door ?—A. No, sir.

1382. Q. To whom did Thompson Kingsford address himself in the conversation ?—A. I don't know.

1383. Q. Where did you next see Davis ?—A. In the stone factory, on the lower floor.

1384. Q. How long was it after they left the room did you see him there ?—A. A few minutes.

1385. Q. Was he in that room when you went there ?—A. I did not see him there.

1386. Q. Did any conversation occur then between you and him; and, if so, what was it ?—A. He said Fred, get me your lamp.

1387. Q. What else was said ?—A. He said light it and go with him.

1388. Q. Well, what was done; was anything further said ?—A. We went into the next room.

1389. Q. Did you have your lamp with you at the time of that conversation ?—A. No, sir.

1390. Q. What were you doing in that room in the stone factory when Davis told you to get your lamp ?—A. Looking into a small copper box around the shaft, kept full of oil, to oil the bearings.

1391. Q. Where was your lamp at that time ?—A. In the window, close by.

1392. Q. Did you light it ?—A. I did.

1393. Q. You and Davis started together ?—A. He went ahead.

1394. Q. What direction did he go ?

(Objected to as immaterial by attorney for contestee, and asked for the purpose of consuming time and not in good faith. Objection sustained by Case; *contra*, Van Auken.)

A. Went up stairs one story on to the next floor; then had to go down some steps to get into the other building.

1395. Q. How far was you when Davis found you from the stairs where you and Davis went up ?—A. From 20 to 25 feet.

1396. Q. When you got to the head of that flight of stairs how far was it from the head of the flight of stairs that he went down ?

(Objected to by attorney for contestee for same reason as to 1394, and same ruling.)

A. About 2 to 3 feet I think ; I did not measure it.

1397. Q. When he got to the foot of those stairs what room was he in ?—

A. In the room they call the canal floor in No. 2 factory ; same room Lemon was at work in.

1398. Q. Were these the same stairs that Lemon and the Kingfords and Davis went up when they left this room ?—A. No, sir.

1399. Q. When you got to the foot of those stairs how far was you from the place where Lemon's lamp burnt the floor ?—A. From 30 to 35 to 40 feet.

1400. Q. Who carried your lamp from the room where Davis found you when Lemon was at work ?—A. Mr. Davis carried the lamp.

1401. Q. Have you given in your cross-examination all that was said to you by Davis in this room where he found you when he asked you for your lamp, and told you to light your lamp ?—A. I have.

1402. Q. On that occasion who came into the room where Lemon had been at work ahead, you or Davis ?

(Objected to by attorney for contestee, same as No. 1394. Same ruling.)

A. Davis came in ahead.

1403. Q. Did you say anything to Davis in the room where he found you ?—A. No, sir.

1404. Q. Did you say anything to him before you both got to the foot of the stairs in the room where Lemon had been at work ?—A. No, sir.

1405. Q. Did any conversation occur between you and Davis after you both got to the foot of the stairs ?—A. No, sir.

1406. Q. Did there no conversation occur between you and him in that room on that occasion before you left it ?—A. No, sir.

1407. Q. What was first done when you both got to the foot of those stairs ?—A. Mr. Davis went ahead and I followed him ; Mr. Davis looked under two tanks ; he had got the board Lemon had in his hand, and under the second tank from the wall he brought out a bottle of whisky with the boards he gave me the lamp ; we went up the same stairs the Kingford and Davis and Lemon went out ; at the stairs Davis went out at, and Davis said there is your lamp.

1408. Q. Not another word passed between you and Davis ?—A. No, sir.

1409. Q. What kind of a bottle was it ?—A. A black glass bottle.

1410. Q. What shape ?—A. A kind of flat bottle.

1411. Q. Did you have it in your hands ?—A. No.

1412. Q. What did Davis do with the bottle ?—A. Pulled the cork out and smelled of it and said it was whisky.

1413. Q. Did you taste of it ?—A. No, sir ; I did not drink.

1414. Q. Did you smell of it ?—A. No, sir.

1415. Q. How many times have you been sworn as a witness for the past three years ?

(Objected to by attorney for contestee for same reason as No. 1394. Same ruling.)

A. Only one case before this in my life.

1416. Q. How many times were you sworn in that case ?—A. Could not say ; two or three.

1417. Q. Do you know J. H. Graham who worked in the starch factory in 1864 ?—A. Not by name.

1418. Q. Will you swear whether he was one of the men who worked in the Hollow just before the election in fall of 1864 when Thomson Kingsford had the interview with the men ?—A. I can't tell.



1419. Q. Did you know John O'Lari?—A. Not by name.

1420. Q. Or Leonard Fergal?—A. Not by name.

1421. Q. Can you swear whether or not they or either of them were among the men that worked in the Hollow at that time?—A. No, sir.

1422. Q. When you picked up Lemon's lamp at the time it was turned over and burnt the place in the floor, as you stated in your direct examination, did the lamp go out, or did you put it out, or did you leave it burning?—A. I left it burning.

1423. Q. When Davis picked up the lamp when it was turned over, burning the floor as you have described, did the lamp go out, or was it put out?—A. It was put out after they all left the room.

1424. Q. What did you do with it after you put it out?—A. I put it down somewhere; don't remember where.

1425. Q. You did not remove it from the place?—A. I don't remember removing it.

1426. Q. Did you put it out there in the room where the floor was burnt?—A. I put it out within 2 or 3 feet of the place where the floor was burnt.

1427. Q. How long was it after they had all left the room, was it that you put it out?—A. They went one way and I the other, and I put it out soon as I passed the lamp.

1428. Q. Was it setting where Davis put it when you put it out?—A. I don't know whether it was or not.

1429. Q. Where was it setting when you put it out?—A. Close where Davis and I was; I could not say.

1430. Q. Was it on the floor?—A. I think it was.

1431. Q. How did you leave it then when you put it out?—A. I shoved it near the tank, put it out, and went away.

1432. Q. Was the calking mallet there at that time?—A. Could not say; think it was.

1433. Q. Was the calking mallet and iron there?—A. I can't tell.

1434. Q. What was the occasion of putting out that lamp?—A. Afraid it might be knocked over.

1435. Q. Did you notice whether the lamp was there when you and Davis came back?—A. It was.

1436. Q. Were all the tanks in this room raised up some 5 or 6 inches from the floor?—A. I think they were; am not certain.

1437. Q. Was you ever arrested?—A. I was.

1438. Q. Did they not charge you with an assault upon your wife's daughter?—A. They did not.

1439. Q. Was it your wife and daughter who caused your arrest?—A. I think it was my wife.

1440. Q. Was you not charged with an indecent assault upon your wife's daughter?—A. I was not.

1441. Q. What was the charge on which you was arrested?—A. My wife said I turned her out of doors.

1442. Q. She made oath to that before the recorder, did she not?—A. I don't know.

1443. Q. You understand that that was what your wife charged you with, did you not?—A. I don't know what the charges were.

1444. Q. Was you brought before the recorder of the city of Oswego?—A. I was.

1445. Q. When you were arraigned before the recorder, were you not charged of turning your wife out of doors and refusing to support her?—A. I was not.

Adjourned until 2 p. m., at the office of Judge Churchill.

Met pursuant to adjournment. Present, Notaries Case and Van-Auken.

Redirect examination of FREDERICK SHELMEKDINE:

1446. Q. Of the men who were present on the occasion of just before the Presidential election in 1864, when Mr. Kingsford spoke to them about voting for him, did you ever hear of any of them as having been discharged in consequence of their action at that time or of their vote at the coming election?—A. I did not.

1447. Q. Did you miss any of them from their work there soon after that occasion?—A. I did not.

1448. Q. Was your first vote cast soon after the seventh ward was organized?—A. It was, sir.

1449. Q. And was you at the city hall last Friday for the purpose of learning when that ward was organized?—A. I was, sir.

1450. Q. State what it was that you said to Alonzo Carson on the sidewalk on that occasion about Lemon?—A. I said I had not known much of Lemon since he left the factory.

1451. Q. Did you say to him on that occasion that you had never seen him when you thought he had been drinking, or did you say you had not seen him since he left the factory when you thought he had been drinking?—A. I said I had not seen him drink since he left the factory.

1452. Q. Did you intend, in your cross-examination this forenoon, to say that you said to Carson on that occasion that you had never seen Lemon when you thought he had been drinking?

(Objected to by attorney for contestant, on the ground that the evidence given on the cross-examination is the best evidence.)

A. No, sir; I did not.

1453. Q. Was the charge made against you before the recorder dismissed?—A. It was.

1454. Q. State the circumstance under which it arose.—A. My oldest daughter got married, and I did not know anything about it. She was my wife's daughter by a former husband, but had been brought up by me since she was four years old, and had always treated me as her father. Nine days after I found it out. I said to my wife Eliza, "What makes you treat me in this way, to allow her to be married by a justice of the peace?" I said I had always treated her right as a father, and never tried to deceive you in anything. And my oldest son got up and told me to sit down or he would put me down. Then I hit him, and my wife screamed out, murder! This is what the charge grew out of.

Cross-examination resumed:

1455. Q. Did you work in the fall of 1864; did you oil machinery?—A. I did, sir.

1456. Q. That was your business at the time this conversation was had in the Hollow?—A. It was.

1457. Q. In your business of oiling machinery in the factory at that time, did it bring you in daily contact with all the men?—A. It did, in No. 2 factory.

1458. Q. How many times did you go to this room, daily, called the Hollow?—A. Sometimes one and sometimes half a dozen times.

1459. Q. Will you swear that you went into that room at all inside of a week up to that time?—A. I can.

1460. Q. Can you state now, from your recollection, that there were men working in that room after election that year?—A. There were.

1461. Q. Can you tell who they were that were working there soon after election?—A. Dan. Mahoney, "Big Tim," and O'Brien.

1462. Q. Can you state any others?—A. No, sir.

1462½. Q. Can you describe any person who worked in that room after that election so they can be identified?—A. I cannot.

1463. Q. Was your attention called to the question at that time, or at about that time, either before or after election, whether any of those men had been discharged by report of men in the starch factory for voting the Democratic ticket?—A. It was not.

1464. Q. Was there anything else that called your attention to the question whether any of those men had been discharged or left the starch factory?—A. Nothing that I am aware of.

F. SHELMERDINE.

D. J. VAN AUKEN,  
*Associate Notary Public.*

C. O. CASE,  
*Notary Public.*

*Deposition of Charles North.*

CHARLES NORTH called and sworn.

1465. Question. What is your age, residence, and occupation?—Answer. Age, about 60 years; residence, Oswego City, No. 150 East Seventh street; occupation, tanner and leather dealer.

1466. Q. You have been mayor of the city of Oswego and recently represented this assembly district in the legislature of this State?—A. Yes, sir.

1467. Q. Was you chairman of the Republican county committee in the fall of 1878?—A. I was.

1468. Q. As such did you have charge with your associates of the conduct of the election last fall on the part of the Republican party?—A. I did.

1469. Q. How many composed the committee?—A. Nine—three from each assembly district.

1470. Q. In which assembly district did you reside?—A. First, containing in that the city of Oswego.

1471. Q. Did you have special charge of the matter in that assembly district?—A. I did—and general charge throughout the county.

1472. Q. How often have you been chairman and member of the Republican county committee in this county?—A. Chairman the last two years and member of the committee a number of times; cannot say how many times.

1473. Q. How does the county committee obtain funds for the conduct of the canvass throughout the county?—A. Contributions from the candidates, office-holders, and from other patriotic citizens.

1474. Q. The assessments are proportioned, are they not, to the supposed necessary expenses of the campaign?—A. They are.

1475. Q. The purposes for which the county committee are expected to furnish or expend money are for the payment of expenses of public meetings, and to furnish speakers, distribution of papers and documents, the printing and distribution of ballots on election-day, and the furnishing a small sum to each town and ward committee, for the purpose of getting the aged, poor, and infirm voters to the polls, are they not?—A. Yes, they are for such purposes.

1476. Q. Do you think of any other than those named?—A. I do not.

1477. Q. And do you understand that money is raised and expended by the county committee for the same purposes and in the same manner by the Democratic party?—A. I do.

1478. Q. And this you have understood to be the practice of both political parties as long as you have had any acquaintance with political affairs in this county?—A. Yes, sir.

1479. Q. Was an assessment, such as you have described, made by the Republican county committee of Oswego County in the fall of 1878?—A. There was.

1480. Q. Joseph Mason, the contestee in this election, was the Republican candidate for Congress in the election district which included Oswego County, was he not?—A. He was.

1481. Q. What sum, if any, was assessed to him by the committee of Oswego County?—A. I believe the sum was \$200.

1482. Q. Did he pay the sum assessed to him; and if so, to whom?—A. To me, as chairman of the county committee.

1483. Q. And was it used for the purposes named by you?—A. It was, and no other.

1484. Q. And was any money or other valuable thing whatever furnished by Mr. Mason to be used for election purposes in Oswego County, either in his own interest or the interest of any other person, so far as you have any knowledge, information, or belief?—A. There was not.

1485. Q. And was any money or other valuable thing furnished by any other person to be used for Mr. Mason's especial benefit, so far as you have any knowledge, information, or belief?—A. There was not.

1486. Q. You gave your personal attention to the canvass in this county before election day, and to the election itself in Oswego city on election day?—A. I did.

1487. Q. Did you discover any trace either before, on, or after election day of any money having been furnished or used in Oswego County either by Mr. Mason or for his special benefit other than that paid by him to you as chairman of the county committee, as you have before stated?—A. I did not.

1488. Q. From your connection and acquaintance with the canvass do you believe that any considerable sum could have been expended for that purpose, and particularly in the first assembly district and in Oswego City, without it having come to your knowledge?—A. I do not.

1489. Q. Do you believe that such a sum as \$1,500 could have been expended for such purpose without its having come to your knowledge?—A. I do not.

1490. Q. Prior to the commencement of taking testimony in this contest had you heard or known anything about any money being furnished by Mr. Mason to be used in this county except \$200 paid by him to you as you have before stated?—A. I can't say whether before or after; I first read it in the Palladium, the Democratic paper.

1491. Q. Do you believe that any money was furnished by Mr. Mason to be used in this county for election purposes in this county except the \$200 paid by him to you as above stated?—A. I do not.

1492. Q. A considerable part of the Democratic party in this county were, during the last fall's campaign, in favor of the resumption of specie payments, as you understood it, were they not?—A. The more intelligent part of the Democratic party were in favor of the resumption of specie payment.

1493. Q. You understood the Democratic State convention in the State of New York, and several successive conventions, including the State convention of 1878, have adopted resolutions favoring such resumption?—A. I did.

1494. Q. Did you not understand that many Democrats of that class were much offended that the Democratic Congressional convention

taking for their candidate Mr. Duffy, the Greenback candidate, and that they proposed to vote for the Republican candidate, or, not so doing, not to vote for Mr. Duffy?—A. That was the general understanding in this city and my own understanding.

1495. Q. Have you heard Democrats avow since the election that they did not vote for Mr. Duffy?—A. I think I have.

Cross-examination :

1496. Q. Who were the other members of the county committee in this county at last fall's election in this assembly district?—A. William Stark, of Oswego Times; Charles Parkinson, of this city.

1497. Q. Who are the 3 members of the second district?—A. I think Dr. Drake, of Central Square; Benneth, of Fulton; Wilder, of Constantia.

1498. Q. Who were the members from the third assembly district?—A. T. B. White, of Williamstown; Captain Huntington, of Mexico, and a Mr. Maltby, of Pulaski.

1499. Q. Did you have a Congressional committee?—A. Yes, sir.

1500. Q. Do you know who they were?—A. I do not; I took no active part with them.

1501. Q. You had district committees in each assembly district in this county?—A. Yes, sir; composed of the chairmen of town and ward committees.

1502. Q. Do you know how they were organized in the other districts?—A. I do not.

1503. Q. Was there a special committee for arrangements, or by any other name, appointed before the election last fall for the purpose of promoting the election or advancing the interest of the Republican candidate?—A. There was not to my knowledge, and I don't believe there was any such.

1504. Q. Were there any Republican clubs?—A. Think not; don't think there was any.

1505. Q. Did you ever see Judge Mason?—A. I did; had several interviews with him.

1506. Q. When was the last time you saw him before election?—A. It might have been a week or it might have been only two or three days.

1507. Q. Did he call on you the last time you saw him?—A. No, I met him on the street at the east end of the lower bridge.

1508. Q. What did he say to you then?—A. He asked me if there was anything he could do to help the committee in the canvass. I told him no; I thought everything was working smoothly, and if anything happened I would let him know.

1509. Q. What did you say in reply to that?—A. I told him no; everything was working smoothly, and if anything turned up needing his attention I would let him know.

1510. Q. Did he make any reply to that?—A. I think not.

1511. Q. Did he say he would respond if called upon?—A. Yes; he said he would come and make some speeches.

1512. Q. Do you know of any Democrat that refused to vote for Duffy who did vote for Mason, on the alleged ground that Duffy was a Greenbacker and they were in favor of hard money?—A. Not of my own knowledge; but I hear of them and heard some of them express themselves so; I think so.

1513. Q. How many Democrats did you hear express a determination not to vote for Duffy or to vote for Mason, on the ground that Duffy was a Greenbacker and they were in favor of hard money?—A. I can't tell;

I might have heard fifty—might not half a dozen; heard them talk every day, perhaps; it was the general talk.

1514. Q. Will you swear that you heard more than half a dozen Democrats and voters say that during the fall canvass?—A. I believe, according to my best recollection, I heard more than a half dozen.

1515. Q. What is the largest number of persons known to you to be Democrats and voters that you will swear that you heard say before election they would not vote for Duffy because he was a Greenbacker, or words to that effect?—A. I cannot swear how many; I can't fix them. I heard many say they would not vote for him, and some that did after all.

1516. Q. Do you know of any Democrats that did not vote for Duffy and did vote for Mason, on the ground that Duffy was a Greenbacker, to your own knowledge?—A. I don't know; I have no personal knowledge how any man voted.

1517. Q. Do you know of any Democrat you heard say before election he would not vote for Duffy because he was a Greenbacker and they were in favor of specie payments, who you afterwards learned became satisfied and did vote for Duffy?—A. I think I do.

1518. Q. How many?—A. Over ten.

1519. Q. Your opinion from what you saw and heard on the day of election and within a week after election didn't a large part of the Democrats who you had heard say before election would not vote for Duffy because he was a Greenbacker, vote for him?—A. In my opinion and from what I saw and heard a week after election, they did not.

1520. Q. You live in the eighth ward?—A. I do.

1521. Q. You attended the polls in that ward on the day of election in fall of 1878, did you not?—A. I did.

1522. Q. Was you at the polls in that ward all day on election?—A. I was.

1523. Q. From the opening to the closing of the polls did you go out of the ward?—A. I did not.

1524. Q. Do you know of how many Democrats in your ward who voted for Mason?—A. I do not, only as they may have told me.

1525. Q. How many Democrats in your ward told you they voted for Mr. Mason?—A. One.

1526. Q. Do you recollect of more than one?—A. I do not recollect more than one.

1527. Q. In other words, you don't know anything about only what you heard?—A. I heard on election day that they were cutting Duffy in the different wards.

1528. Q. Did you hear about Moriarity working in the first ward all day at the polls?—A. My recollection is that I first heard it in Mr. Bundy's testimony, when the testimony was published.

1529. Q. You know Moriarity?—A. By sight.

Adjourned until the 31st day of March, 1879, at 9 a. m.

March 31, 1879, 9 a. m. Present, Notary C. O. Case, and the attorneys for contestant and contestee, and by consent of the respective parties these proceedings are adjourned until April 1, 1879, at 9 a. m.

April 1, 1879, parties met pursuant to adjournment. Present, Notaries Case and Van Auken.

Redirect examination of CHARLES NORTH:

1530. Q. What is the duty of the Congressional committee in this Congressional district?—A. As far as I have observed it, it is to fix the

time for holding the Congressional convention and to call the convention to order.

1531. Q. Had it anything whatever to do with the conduct of the canvass?—A. None whatever, as I observed.

1532. Q. What was the duty of the assembly district committee?—A. To fix the time for holding the assembly district convention and to call the convention to order.

1533. Q. Had they anything to do with the conduct of the canvass?—A. Not to my knowledge.

1534. Q. Was you at the polls at the eighth ward of this city on election day during the greater part of the day at last November election?—A. I was.

1535. Q. State whether the election was quiet and orderly on that day in the eighth ward and throughout the city, as far as you know.—A. It was very quiet and orderly in the eighth ward and throughout the city, as far as I know.

1536. Q. Was there any attempt on that day, so far as you saw or heard or had reason to believe, to intimidate or improperly influence any voter to support Mr. Mason or the Republican ticket?—A. None whatever.

1537. Q. Was there any attempt, so far as you saw or heard or had reason to believe, to intimidate or by any improper influence to prevent any voter from voting for Mr. Duffy for Congress?—A. Not any.

1538. Q. Have you been a member of the Republican city committee from time to time as well as the county committee?—A. According to the best of my recollection I have.

1539. Q. Name such Democrats as you can recall with whom you conversed who expressed themselves as preferring Mr. Mason instead of Mr. Duffy for Congress, or that you heard it currently reported that they did not intend to support Mr. Duffy.—A. L. L. Kenyon, George H. Stone, Edwin Allen, A. S. Page, Delos DeWolf—these are all I recollect of.

Cross-examination resumed:

1540. Q. Do you know whether any of those persons whose names you have given in answer to the last question propounded to you did not vote for Duffy?—A. I could not swear how they voted.

1541. Q. How much money was raised by your committee last fall that passed through your hands?—A. From ten to twelve hundred dollars.

1542. Q. How much of that was expended in your assembly district?—A. Three hundred and odd dollars.

CHAS. NORTH.

C. O. CASE, *Notary Public*.

D. J. VAN AUKEN, *Associate Notary*.

By consent of the respective parties adjourned until April 2, 1879, at 9 a. m.

April 2, 1879, at 9 a. m., met pursuant to adjournment. Present, Notaries Case and Van Auker.

*Deposition of Jeremiah Hartigan.*

JEREMIAH HARTIGAN sworn.

1543. Question. What is your residence, age, and occupation?—Answer. I reside in city of Oswego, N. Y.; age, 56 or 57 years; occupation, laborer; residence, 65 West Albany, corner West Eighth and Albany streets.

1544. Q. Was you employed last fall upon the building in process of erection by Thompson Kingsford at the corner of West First and Seneca streets ?—A. Yes, sir.

1545. Q. By whom were you employed ?—A. By the foreman on the building—his name I don't now remember.

1546. Q. By whom was you paid ?—A. By Mr. Kingsford himself at the office.

1547. Q. What was you employed to do ?—A. Loading teams, handling stone, and digging.

1548. Q. When did you begin to work there ?—A. About a week after they commenced clearing out the foundation of the old burnt building.

1549. Q. When did you stop work ?—A. I think about two weeks the building was closed in.

1550. Q. How long was you employed there altogether ?—A. Can't say how long—five, six, or seven weeks.

1551. Q. Was you employed there on election day in November last ?—A. Yes, sir.

1552. Q. How long had you been at work there before election ?—A. About three weeks—perhaps longer.

1553. Q. How long did you work after election ?—A. Perhaps between two or three weeks ; cannot say just how long.

1554. Q. What are your politics ?—A. My politics is a split matter—it depends upon the man who is running for office.

1555. Q. Do you mean by that that you vote for the candidates who are the best men ?—A. I do on either party.

1556. Q. For whom did you vote for Congress last fall ?—A. Joseph Mason.

1557. Q. Why did you vote for Joseph Mason ?—A. I had an idea that he might be the best man.

1558. Q. Were you born in this country ?—A. No, sir.

1559. Q. Of what country are you a native ?—A. An Irishman by birth.

1560. Q. Did Mr. Kingsford or any person in his employ attempt last fall to influence in any way your vote ?—A. No, sir.

1561. Q. Do you now remember the name of the foreman on the building by whom you was employed ?—A. Sharpe—I think James Sharpe.

1562. Q. In what ward did you vote at the last November election ?—A. Fifth ward.

1563. Q. Did you know of any person being employed on that building immediately before and then discharged immediately after the election ?—A. No, sir.

1564. Q. Was a large part of the force employed on that building by birth of the same nationality as yourself ?—A. I think they were.

1565. Q. Did you hear any complaint on the part of any of them or of anybody else of any attempt to influence their votes at the last November election ?—A. No, sir ; I did not.

1566. Q. What time in the day did you vote ?—A. Somewhere near twelve o'clock.

1567. Q. How long did you remain at the polls ?—A. I don't suppose I stopped there over five minutes.

1568. Q. Did you hear any complaint from any one in that ward of any attempt to influence them to vote for Mr. Mason for Congress on that day ?—A. No, sir ; I did not.

1569. Q. So far as you saw, was the election on that day a very quiet and orderly one ?—A. It was, sir, while I was there.



1570. Q. Have you been in Mr. Kingsford's or the Oswego Starch Factory employ other than that of the building last fall?—A. Some ten or eleven years ago I was employed in the starch factory; left them.

1571. Q. How long had you been employed there?—A. Thirteen or fourteen years.

1572. Q. Were you a voter at that time?—A. Yes, sir.

1573. Q. Was there ever any attempt on the part of Mr. Kingsford or of any person in his employ or in the employ of the starch factory to interfere in any way with free exercise by you of your right to vote?—A. Not to my knowledge.

1574. Q. Have you, as a matter of fact, more frequently voted the Democratic ticket than any other?—A. Yes, sir.

1575. Q. And did you do so while in the employ of the Oswego Starch Factory?—A. Yes, sir.

1576. Q. Mr. Kingsford, Mr. Thompson Kingsford, and his father were both men, were they not, much esteemed by their employes?—A. They were.

1577. Q. And they were men, were they not, who took a great interest in their employes?—A. They were.

1578. Q. And was employment by them preferred to almost any other employment in this city by laboring men?—A. It was.

Cross-examination of JEREMIAH HARTIGAN:

1579. Q. While you were in the employ of Mr. Kingsford, or in the starch factory, did you know or hear of any attempt on the part of the starch factory or Mr. Kingsford to influence votes?—A. No, sir; I did not.

1580. Q. Are you working for the starch factory now?—A. No, sir.

1581. Q. By whose request do you attend here to-day?—A. I do not know the man by whom I was subpoenaed. This is the subpoena [showing it].

1582. Q. Did he tell you what he wanted you to testify to?—A. No, sir.

1583. Q. What did he say?—A. Some suit between Mason and Duffy, and I was wanted at Mr. Churchill's office.

1584. Q. Have you had any conversation with any other person about what you was to testify to?—A. No, sir.

1585. Q. Have you been naturalized?—A. Yes; I have been a citizen over thirty-five years.

1586. Q. How long have you lived in Oswego?—A. About forty years.

Redirect examination resumed:

1587. Q. Did the person who subpoenaed you here to-day pay you your fee?—A. He gave me 75 cents for to-day.

his  
JEREMIAH + HARTIGAN.  
mark.

Witnesses to signature of Jeremiah Hartigan—

CHESTER O. CASE.

C. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary.*

Adjourned until 2 o'clock p. m.

Met pursuant to adjournment. Present: Notaries Case and Van Auken.

*Deposition of Patrick Danahar.*

PATRICK DANAHAR sworn.

1588. Question. What is your name, age, residence, and occupation?—Answer. Age, 41 years; residence, No. 115 West Seventh street; occupation is foreman in Starch Factory No. 1.

1589. Q. When did you first find employment in the starch factory?—A. August 1, 1853.

1590. Q. How long did you continue in their employ?—A. Till August, 1862.

1591. Q. Where did you then go?—A. Went into the army.

1592. Q. How long did you remain in the army?—A. Two years and ten months—until my regiment was mustered out.

1593. Q. How soon after your return from the army did you go again into the starch factory?—A. March, 1868.

1594. Q. Have you been employed there ever since?—A. Yes, sir.

1595. Q. How long have you been a foreman in the starch factory?—A. Since May, 1872.

1596. Q. Are you a native-born citizen, and, if not, where were you born?—A. Born in Ireland.

1597. Q. In what year did you become a citizen of the United States?—A. 1860.

1598. Q. And have you voted ever since, only when in the army?—A. Yes, sir.

1599. Q. With what political party do you act yourself?—A. The Republican party.

1600. Q. Have you sometimes supported the nominees of the Democratic party? And, if so, when and whom?—A. I voted the Democratic State ticket in 1872, and supported Horace Greeley for the Presidency. Also voted for A. S. Page, Democratic candidate for mayor, and I think I voted for Colonel Doyle, Democratic candidate for sheriff; am not certain.

1601. Q. Were you ever called to an account for these votes or any of them?—A. No, sir.

1602. Q. Was any attempt ever made by Mr. Kingsford, or by any other person connected with the starch factory, to interfere in any way with your free action as a voter?—A. No.

1603. Q. Have you yourself, either as foreman in the starch factory or otherwise, ever attempted to intimidate or to interfere in any way with the free action of any one as a voter employed in the starch factory?—A. No.

1604. Q. Have you ever understood or believed that any such intimidation or interference by you was expected or desired by Mr. Kingsford or any other person connected with the Oswego Starch Factory?—A. No.

1605. Q. Have you ever known any instance of Mr. Kingsford, or of any of the bosses or foremen in the starch factory, attempting to intimidate or in any way to interfere with the free action as a voter of any person employed in the starch factory?—A. No.

1606. Q. Did you vote at the last November election for member of Congress? And, if so, for whom did you vote?—A. I did. I voted for Mr. Mason.

1607. Q. Why did you vote for him?—A. Because he was on the ticket I supported.

1608. Q. And was he your choice for member of Congress?—A. Yes; he was.

1600. Q. How long were you at the polls at that election, and in what ward did you vote?—A. I voted in the third ward. At polls long enough to deposit my vote.

1610. Q. State whether the election, as far as you saw it, was a particularly quiet and orderly one.—A. What I saw of it, it was quiet and orderly—voted in the morning.

1611. Q. Did you hear any complaint on the part of any person of any interference with their free action as voters on that day?—A. No, sir.

1612. Q. Do you know Dennis Sweeney, who was formerly employed in the starch factory, and who has heretofore been examined in this contest?—A. Yes, sir.

1613. Q. Did you know of his being discharged from the starch factory at the time of his being so discharged?—A. No.

1614. Q. Have you ever known of any person in the starch factory being discharged or threatened to be discharged if he did not vote the Republican ticket or if he did not vote to please Mr. Kingsford, or of any thing or kind of that nature whatsoever?—A. No.

1615. Q. Have you ever known of system or plan of action, or anything of that kind whatsoever, intended to control or influence or interfere in any way with the action of the voters—of the men employed in the starch factory?—A. No.

1616. Q. What do you understand to be the political sentiments of the greater part of the men employed in the starch factory?—A. Republican.

1617. Q. Has anything ever come under your observation at the starch factory calculated to intimidate or interfere with votes of the men there employed?—A. No.

Cross-examination :

1618. Q. When did you become a citizen of the United States?—A. 1860.

1619. Q. Are you employed in the starch factory at the present time as foreman?—A. Yes, sir.

1620. Q. Did you ever hear of any person at the starch factory being discharged who did not vote the Republican ticket, or to vote to please Mr. Kingsford, or anything of that kind?—A. No, sir.

1621. Q. Have you ever heard of any system or plan of action, or anything of that kind whatsoever, intended to control or to interfere in any way with the votes of the men employed in the starch factory?—A. No, sir.

1622. Q. Have you ever heard any expression by men in the employ of the starch factory, that if they voted the Democratic ticket they would be discharged from employment?—A. No, sir.

1623. Q. Did you ever hear, in any way, of any influence in use by Mr. Kingsford, or the starch factory, to influence at the polls the votes of the employes of the starch factory?—A. No.

1624. Q. Did you ever hear or know of tickets being prepared by the starch factory or Mr. Kingsford and handed to the employes with instructions how to vote?—A. No, sir.

1625. Q. Where did you obtain the tickets at last election, what you voted?—A. At third ward polls.

1626. Q. How many men do you control as foreman?—A. My work is alternately in the day time and night—every second week—at night 7 men and in the day time 24 men.

1627. Q. Did you use any influence with the men to have them vote the Republican ticket?—A. No.

1628. Q. Is it not the popular report in this city that the employes of the starch factory are influenced by the company or by Mr. Kingsford to vote the Republican ticket?—A. I don't know.

1629. Q. Did you ever hear of any of the employes of the starch factory saying they must vote the Republican ticket or that they would be discharged, or something to that effect?—A. No.

1630. Q. Did you ever hear any man complain that he had been discharged from the starch factory for voting the Democratic ticket?—A. No.

1631. Q. Did you ever hear of Mr. Kingsford or the starch factory sending persons to the polls on election day for the purpose of influencing voters to vote the Republican ticket?—A. No, sir.

Redirect resumed.

1632. Q. What are the politics of the men under your charge, so far as you know, who are voters?—A. Republicans.

PATRICK DANA HAR.

C. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary.*

Adjourned until April 3, 1879, at 9 a. m.

April 3, 1879, 9 a. m. Parties met pursuant to adjournment, and further adjourned until April 4, 1879, at 9 a. m.

April 4, 1879, at 9 a. m. Met pursuant to adjournment.

*Deposition of Joseph Dempsey.*

JOSEPH DEMPSEY produced and sworn as a witness.

1633. Question. What is your name, age, residence, and occupation?—Answer. Joseph Dempsey; age 52 years; sixth ward, city of Oswego; occupation, gardener.

1634. Q. Have you been in the Army; and, if so, from when to when?—A. Yes; from September 12, 1862, to June 19, 1865.

1635. Q. What rank did you hold in the Army?—A. I entered the service as second lieutenant and was promoted first lieutenant and captain 1864, and in February, 1865, I was brevetted major; April, 1865, was brevetted lieutenant-colonel by the President with the advice of the Senate for gallantry and meritorious service during the war.

1636. Q. Do you know John Collins, the first witness sworn and examined by the contestant in this contest?—A. Yes, sir.

1637. Q. How long have you known him?—A. Four years.

1638. Q. Did you see him at Mr. Lamoree's office shortly before that examination?—A. I did.

1639. Q. On what time of day was that?—A. About 11 o'clock a. m.

1640. Q. What was he doing when you first saw him there?—A. Sitting near the door.

1641. Q. Were other persons there in the office; if so, how many?—A. Six or eight.

1642. Q. Was he apparently waiting to have an interview with Mr. Lamoree?—A. Yes, sir.

1643. Q. Did he leave without having any conversation with Mr. Lamoree?—A. He did.

1644. Q. What did Mr. Lamoree say when that man left the office?—A. He asked me if that man wanted to see him. I told him I thought

he did, and then Lamoree said that if I saw him say to him that he was at leisure and could see him.

1645. Q. Did you soon after see Collins; and, if so, where?—A. I did see him soon after at corner of Water and Bridge streets, on the west side of the river.

1646. Q. What, if anything, did you say to him?—A. I said to him if he wanted to see Mr. Lamoree he was at leisure now in his office.

1647. Q. Did you accompany him across the river?—A. Yes, sir.

1648. Q. State what, if anything, he said.—A. He said he was subpoenaed in the Mason and Duffy matter, and if Mr. Lamoree would pay him money he did not care anything about the subpoena, he would get out of town; that he would not be a witness in the matter.

(Objected to by attorney for contestant, as the evidence relates to the conversation between Lamoree and the witness, and also between witness and Collins, on the ground that it is irrelevant and hearsay, and moves that answer be stricken out.)

This evidence is offered by contestee in contradiction to the evidence of said Collins as testified on his cross-examination when examined as a witness for contestant before Notary Green, that he never had any conversation about money with Joseph Dempsey, and never told him for a consideration he would not testify in this case, and never had spoken to him of being paid money for going away.)

1649. Q. Did you afterwards, on the same day, see John Collins at Charles Doolittle's store?—A. Yes, sir.

1650. Q. What time in the day was it?—A. Between nine and ten o'clock evening.

1651. Q. Who were present?—A. Collins, Doolittle, and myself.

1652. Q. Did you hear any part of the conversation between Collins and Doolittle; and, if so, what?

(Objected to by attorney for contestant as incompetent.)

A. Mr. Doolittle said he would not give him a cent; that he was a dead-beat.

1653. Q. Did you immediately after have any conversation with Collins; and, if so, what was it?

(Objected to as No. 1652.)

A. Yes, I had a conversation with him. He said Charley Doolittle was a great cod. I answered him back that he was not often caught with sardines or skades.

Cross-examined by attorney for contestant:

1654. Q. Are you engaged in the political management or political affairs in your ward for several years?—A. I am a worker at the polls.

1655. Q. Have you not attended the caucuses in your ward?—A. I have sometimes.

1656. Q. Have you not been generally engaged in attending the Republican caucuses in your ward for several years past?—A. Not for the last three years.

1657. Q. Have you not generally taken an active part for a number of years previous to the last three years?—A. Yes, sir.

1658. Q. How many years previous?—A. For five or six years.

1659. Q. You was in the custom-house, was you not?—A. I was.

1660. Q. State what time.—A. A part of 1876 and 1877.

1661. Q. What position did you hold?—A. Inspector of customs.

1662. Q. How much of your time did it require to attend to those duties?—A. It took me all my time.

1663. Q. Was you in favor of the nomination of Mr. Mason for Congress last fall?

(Objected to by attorney for contestee as immaterial.)

A. I was.

1664. Q. You were in favor then, of course, of his election?—A. I was.

1665. Q. You had heard of this contest before you saw Collins at Lamoree's office?—A. I saw it in the paper.

1666. Q. Had you talked with Lamoree about this contest before that time?—A. I have no recollection that I had.

1667. Q. Was you there on that occasion to see Lamoree about this contest, or any of the witnesses expecting to be sworn in it?—A. I was not.

1668. Q. Was Collins at Lamoree's office when you went there?—A. Yes, sir.

1669. Q. Who else was there?—A. Mr. Vincent H. Burch, a man by name of Fannin, and a man by name of Kernan—James Kernan was his name. Don't know Faunin's first name.

1670. Q. How long before that had you seen Collins?—A. Not for months.

1671. Q. Did not Collins go there at your suggestion?—A. No, sir.

1672. Q. How long have you known Collins?—A. Between three and four years.

1673. Q. Had you heard at that time he was expecting to be sworn as a witness in this case?—A. I had not.

1674. Q. Did you suspect at that time he would be sworn as a witness in this case?—A. I did not.

1675. Q. Did Collins say while there in Lamoree's office he had been subpoenaed and expected to be sworn as a witness?—A. He did not.

1676. Q. Do you know or understand what he was at Lamoree's office for at that time?—A. Not at that time.

1677. Q. Which way is your residence or place of business from Lamoree's office?—A. Half mile southeast from Lamoree's office.

1678. Q. When Collins left Lamoree's office did you notice what way he went?—A. No, sir; I did not.

1679. Q. How long after he left did you leave Lamoree's office?—A. Five minutes, perhaps.

1680. Q. Did you go to look up Collins for Lamoree?—A. I did not.

1681. Q. How long before that time, on this occasion, was you in Lamoree's office?—A. I have no recollection of being there before since last fall, except two or three weeks previous to the time spoken of.

1682. Q. When you came out of Lamoree's office on that occasion was Collins in sight?—A. No, sir.

1683. Q. What direction did you go when you came out of Lamoree's office?—A. Across the bridge.

1684. Q. That was in a westerly direction from the office of Lamoree?—A. Yes.

1685. Q. Did you know at that time Collins had come across the river?—A. I did not.

1686. Q. Where did you find Collins?—A. Corner of Bridge and Water streets.

1687. Q. How long after he left Lamoree's office was that?—A. About ten minutes.

1688. Q. Was Collins alone?—A. I don't recollect.

1689. Q. Standing still or was he walking along?—A. I don't recollect whether he was standing still or moving.

1690. Q. Who commenced the conversation?—A. I did.

1691. Q. Can you give the words you used?—A. I said, Mr. Collins,

if you want to see Mr. Lamoree, he is at leisure now; when you was in there he was busy.

1692. Q. What answer did he give?—A. Walked across the river with me, and said he was subpoenaed in this Mason and Duffy matter; did not care about the subpoena; if Lamoree would give him money he would go out of town. I asked him if he voted for Mr. Mason. He said he did not. I told him if he did not vote for Mason I could not see what was the object of his going out of town. Said he would show. I told him he must tell the truth.

1693. Q. Did you see him going into Lamoree's office?—A. I saw him go up the stairs leading to his office.

1694. Q. Did you see him again before you saw him in Doolittle's store on the occasion spoken of?—A. Yes, sir.

1695. Q. Where did you see him?—A. In Lamoree's front (private) office.

1696. Q. How long was that after you saw him going up stairs did you see him in Lamoree's office?—A. About half an hour.

1697. Q. Was anybody else in Lamoree's office at that time?—A. Charles Doolittle, Lamoree, and Collins.

1698. Q. Did you know, when you went up to Lamoree's office on that occasion, that Charles Doolittle was there?—A. I think I did.

1699. Q. Did you go after Charles Doolittle to come there on that occasion?—A. I have no recollection that I did. No.

1700. Q. Previous to that time how often had you been in Charles Doolittle's store?—A. Quite often, in the day-time.

1701. Q. Did you inform Doolittle at that time that Collins had gone to Lamoree's office?—A. I may have told him, but don't recollect.

1702. Q. Did you go to Doolittle's store on that occasion for the purpose of giving him the information that Collins had gone to see Lamoree?—A. I think not.

1703. Q. Will you swear positively that you did not go there for that purpose?—A. I won't swear positively whether I did or not.

1704. Q. Charles Doolittle has been engaged generally in ward and city politics for some time to considerable extent?

(Objected to as immaterial by attorney for contestee.)

A. He is a warm Republican. I have seen him sometimes engaged in ward and city politics.

1705. Q. He has held several offices, has he not, at different times?—A. He has been alderman and chairman of the Republican county committee four years.

1706. Q. Has he generally been a delegate to the Republican county convention?—A. Yes; sometimes. Not for the last few years.

1707. Q. You and he have generally acted together in the divisions of the Republican party, have you not?

(Objected to as immaterial and irrelevant by attorney for contestee.)

A. Not always; sometimes we differed.

Adjourned until 2 p. m.

Met pursuant to adjournment.

1708. Q. Did you expect, when you went to Lamoree's office, to find Collins there?—A. No, sir.

1709. Q. Did you expect to meet him at Doolittle's store?—A. Yes.

1710. Q. Did you go there for the purpose of being present at the interview?—A. No, sir.

1711. Q. Did you hear Mr. Doolittle request Collins to come to his

store that night?—A. I heard Doolittle say Collins was coming there that night.

1712. Q. When and where did you hear Doolittle say that?—A. In afternoon of that day he said Collins was coming in to see him that evening.

1713. Q. After seeing Collins, Doolittle, and Lamoree together in Lamoree's office, did you go back to Doolittle's store?—A. I don't remember as I did at that time.

1714. Q. Did you go to Doolittle's store again that afternoon?—A. I might have been there five or six times.

1715. Q. Do you remember that you was in Doolittle's store after you saw Doolittle, Collins, and Lamoree together at Lamoree's office, and before the occasion on which you saw Collins at Doolittle's store?—A. Yes; I do.

1716. Q. Was it on that occasion Doolittle told you he expected Collins there that evening?—A. It was.

1717. Q. Did Doolittle on that occasion ask you what course it was best to take with Collins?—A. Nothing of the kind.

1718. Q. Did you and Doolittle upon that occasion, or upon any other occasion, confer together upon the subject, what should be done, or of what ought to be done, or of what it was best to do, in regard to Collins, or in regard to his being sworn as a witness in this contest?—A. No, sir.

1719. Q. How long have you known Collins?—A. Between three and four years.

1720. Q. What was the occasion of your going to Lamoree's office at the time you first found Collins there?—A. I was going to Dr. Coe's office. The doctor was not in, and the morning was cold, and I was going into Mr. Getty's office, and saw the door to Lamoree's office open, and I went in there.

1721. Q. What was the occasion of your coming across the river after coming out of Lamoree's office at the time you found Collins on the corner of Water and Bridge streets, and did the errand that Mr. Lamoree was at leisure?—A. I went to see Mr. Place, editor of the Oswego Times.

1722. Q. Is Mr. Place an active Republican politician and a friend to Mr. Mason?—A. He was, I suppose.

1723. Q. He has taken an active part in this contest, has he not?—A. Not that I know of.

1724. Q. Are you not aware that he has been in attendance during examinations in this contest?—A. Some, in order to get articles for his paper, he being editor of a paper.

1725. Q. Had you any errand on that occasion except to confer with him as to the witnesses expected to be sworn in this contest?—A. My business had no reference to the Mason and Duffy contest. I had other business with him.

1726. Q. Did that business pertain to any political subject?—A. No, sir.

1727. Q. Was Charles Doolittle an active and warm friend of Judge Mason's, as you understood it?

(Objected to as immaterial.)

A. He did not express himself as to that.

1728. Q. What was the occasion of your going back to Lamoree's office at the time when you found Doolittle, Collins, and Lamoree there together?—A. I went to Dr. Coe's office, and he had not returned. His office was locked. I then went into Lamoree's office.



1729. Q. How long did you stay at Lamoree's office?—A. I think fifteen or twenty minutes.

1730. Q. Did Doolittle leave before you did?—A. No, sir.

1731. Q. Did Collins or Lamoree leave before you did?—A. They were all in the private office, and Lamoree came out when I did, and left Doolittle and Collins in the private office.

1732. Q. Was there anything said between you and Lamoree as to what Collins wanted?—A. Lamoree asked me if I knew Collins. I said I did. We had a talk about what Collins wanted.

1733. Q. When you went away from Lamoree's office did you leave Lamoree there?—A. Yes.

1734. Q. Where did you go when you left Lamoree's office?—A. I don't remember; I might have gone to dinner.

1735. Q. You did not see Doolittle again before dinner?—A. No, sir.

1736. Q. In going from the place where you found Collins, when you did Lamoree's errand to him, to Doolittle's store, by the most direct route, would it pass the building where Lamoree's office was?—A. It would.

1737. Q. And do you think that you met with Collins at the foot of the stairs going up to Lamoree's office?—A. Yes.

1738. Q. You left Collins there and went directly to Doolittle's store, did you not?—A. That is the best of my recollection.

1739. Q. When you came out of Lamoree's office, being on the first occasion spoken of, did you go directly to the office of the Oswego Times?—A. I am pretty sure I did.

1740. Q. Didn't you look around and make any inquiry for Collins on the east side of the bridge?—A. No, sir.

1741. Q. Had you not heard before you saw Collins in Lamoree's office the first time you have mentioned in this examination that it was expected Collins would swear that Lamoree had paid him money for voting for and using his influence in favor of Mason?—A. I had not.

1742. Q. Had you not heard it said before that time that Lamoree had paid, or it was claimed he had paid, Collins money for voting for or using his influence for Judge Mason?—A. I had not.

1743. Q. Was it the evening of the same day that you saw Collins at Lamoree's office that you saw him at Doolittle's store?—A. It was.

1744. Q. What time in the evening did you see him at the store?—A. Between nine and ten o'clock.

1745. Q. How long had you been there when he came?—A. About two hours.

1746. Q. Had you and Doolittle been talking together about Collins, or about what he would swear to if sworn in this case, or about what it was advisable to do provided he was sworn, during this two hours you were there?

(Objected to by attorney for contestee as immaterial and a repetition as to matter already gone over. Notaries disagree.)

A. We had not.

1747. Q. Was there anybody else in the store when Collins came in?—A. I don't recollect.

1748. Q. What had you been doing during those two hours you were in the store?—A. Reading the papers—the Times and Call.

1749. Q. How long before that had you been in Doolittle's store in the evening reading the papers?—A. Most every evening all winter.

1750. Q. Was there a private room or office in the store where you could read the papers?—A. No, sir.

1751. Q. Who commenced the conversation after Collins came in ?—A. I cannot tell ; I was 50 feet from Collins and Doolittle.

1752. Q. What was the first word you heard ?—A. The first word I heard, Doolittle was crossing toward the store and said he would not give him a cent ; he was a *dead beat*.

1753. Q. How long was that after Collins came into the store ?—A. Probably twenty or thirty minutes.

1754. Q. Had the conversation been going on between Collins and Doolittle all that time ?—A. Yes, sir, I think so ; they were talking together.

1755. Q. Was Doolittle leaving Collins at the time he said Collins was a dead beat ?—A. He was coming toward the store and talking pretty loud ; said he was a dead beat, and he would not give him a cent.

1756. Q. Did Collins make any reply ?—A. I did not hear him make any reply.

1757. Q. Did you hear him make any reply to anybody ?—A. He talked with me.

1758. Q. You and he had talk that Doolittle didn't hear ?—A. I went up to where Collins was and had a short conversation.

1759. Q. How long did your conversation last ?—A. From five to ten seconds.

1760. Q. Who left the store first, you or Collins ?—A. Collins.

1761. Q. Did you see Collins again that night ?—A. I did not.

1762. Q. Did you see him again the next day ?—A. No.

1763. Q. Have you ever seen him since that ?—A. Yes.

1764. Q. Have you ever seen and heard him speak since that ?—A. I heard him at the court-house.

1765. Q. Have you ever seen him and heard him speak except when he was sworn at the court-house ?—A. I have no recollection.

1766. Q. Did you know, or hear, or understand in any way, at the time of or before the last fall's election, that Collins had received money, or was to receive money, or any valuable thing, for voting for or working for Mr. Mason or any part of the Republican ticket ?—A. I did not.

1767. Q. Have you ever negotiated with Collins to procure him to vote or work at any election and agree for yourself or any one else that he should receive pay therefor ?—A. I did not.

1768. Q. Do you know ——— Connors ; and, if so, how long have you known him ?—A. Yes ; about five years.

1769. Q. Did you ever negotiate with him on your own behalf or on the behalf of any other person to procure them to vote for pay or compensation ?—A. I did not.

1770. Q. You was present at last fall's election in your ward ?—A. I was.

1771. Q. Was you actively engaged in the canvass previous to election ?—A. I was not.

1772. Q. Did you not devote a considerable portion of your time or a number of days before election to the canvass ?

(Objected to by attorney for contestee as designed by attorney for contestant to only kill or consume time and not material. Objection sustained by Notary Case ; contra, Van Auker.)

A. I did not.

1773. Q. Did you devote sufficient time to know what was going on in the canvass ?—A. Only by reading the papers.

1774. Q. Did you know anything about Connors going away to avoid being subpoenaed in this contest ?—A. I did not.

1775. Q. Did you have any conversation with Lamoree or Charles

Doolittle about Connors leaving Oswego for the purpose of avoiding a subpoena or to avoid being sworn in this contest?—A. I did not.

1776. Q. Do you know of Connors and either Doolittle or Lamoree or any other person having a conversation about Connors going away?—A. I do not.

1777. Q. You know nothing of the occasion of his going away, whether he did receive or was to receive any compensation either from Chas. Doolittle, Lamoree, or any other person, either for his own use, or for the support of his family while absent?—A. I do not.

1778. Q. Do you know of the construction of the Shade Cloth Factory in the city of Oswego?—A. I do.

1779. Q. Will you state whether there was a surplus of labor beyond the demand last season from the time of the commencement of that building?

(Objected to by attorney for contestee. Notaries disagree. Case for sustaining objection; Van Auken against.)

A. There was a surplus of laborers that could not find employment.

1780. Q. What time was the construction of that building?—A. In June or July. I think it was in June.

1781. Q. Was that commenced before or after the burning of the sash and blind factory?—A. Before.

1782. Q. Not much work had been done before the burning of the sash and blind factory?

(Objected to by attorney for contestee as irrelevant and immaterial. Objection sustained by Notary Case; contra, Van Auken.

A. Not much.

1783. Q. Can you tell when the sash and blind factory was burned?—A. Latter part of August.

1784. Q. Had there not been a surplus of laborers during that season up to that time?—A. Yes, during that time and after there was a surplus of laborers.

1785. Q. About what time after?—A. About the middle of September.

1786. Q. Up and till the season of the middle of September was it not a season of great distress on account of not being labor?—A. No great distress among laborers; provisions were low.

1787. Q. Do you know about how many men were employed on the Shade Cloth Factory the fore part of September?—A. I do not.

1788. Q. Do you know about how many were employed the fore part of October?—A. I do not.

1789. Q. Do you know whether there were a greater number employed in October than in September?—A. I do not know.

#### Redirect examination:

1790. Q. Did not the sash and blind factory burn the first week in August instead of last?—A. I can't tell; it was in August.

1791. Q. Was there not a greater demand for labor after the burning of the sash and blind factory from that time forward?—A. Three or four weeks after the burning there was a great demand for labor.

1792. Q. State what, if anything, was said by Mr. Lamoree when he came out of his private office on the occasion when you said he was closeted there with Doolittle and Collins?

(Objected to by attorney for contestant as hearsay. Notaries disagree.)

A. He asked me what kind of fellow that Collins was. I told him he was a striker, looked for money from both parties—blowing around,

claiming he carried Corky Hollow in his pocket; that his countrymen came to him before they voted. Lamoree said he asked him for money and he ordered him out of his office—said he would not give him money.

Recross-examination resumed:

1793. Q. How long did you remain with Lamoree after Lamoree came out of the room where he, Doolittle, and Collins were?—A. About 2 or 3 minutes.

1794. Q. Did you hear any loud or boisterous talk between Collins and Lamoree?—A. Heard some loud talk—could not hear the purport of it.

1795. Q. Did Lamoree make any complaint to you because Collins did not leave his office when he told him to?—A. No.

1796. Q. Did Lamoree go back again into that office?—A. Not while I was there.

1797. Q. Did Collins ever ask you for any money?—A. No.

1798. Q. Did you ever hear him ask anybody else for any money for political action?—A. Not as I recollect of.

1799. Q. You said about three years ago you was introduced to him by Edward Gaines?—A. About three and a half years ago.

1800. Q. Where did that introduction take place?—A. East Second and Bridge streets.

1801. Q. Was it at or near a place where Collins was at work?—A. No.

1802. Q. Was you and Gaines there in company together?—A. Yes.

1803. Q. Was Collins alone?—A. Yes.

1804. Q. Was it in a store or on a sidewalk?—A. Sidewalk, near Mc-Sweeney's grocery.

1805. Q. Was it shortly before election?—A. I think in January, three and a half years ago.

1806. Q. He did not ask for any money then, did he?—A. Did not directly.

1807. Q. What political action was there on hand then?—A. None; he was represented to be a man of great influence by himself.

1808. Q. You understood, then, he held himself out for sale when wanted?—A. I could not say whether it was to me or Gaines he represented himself to.

1809. Q. Was that the only reason you had to think he was a striker?—A. That and what people said.

1810. Q. Who did you ever hear say words to that effect?—A. I can't tell now.

1811. Q. Do you know of his asking or receiving money from either political party?—A. No.

1812. Q. What reason had you for saying to Lamoree he was a striker?—A. From what I heard people say.

1813. Q. Can you tell any person you ever heard say that he had asked for or received from either political party, either for his vote or influence previous to last fall?—A. No; I can't tell who. I have heard one man say so, but I cannot tell who he is. I did not charge my memory with it; he lives a few doors from Mr. Collins.

1814. Q. Is he the only man you can bring to mind now?—A. Yes.

1815. Q. Your conversation with him was within two months?—A. Yes.

1816. Q. Did the conversation with this man occur before or since your talk in Lamoree's office?—A. I don't recollect, think it was since.

1817. Q. You said a few minutes ago it was easy to tell strikers?—A. Yes.

1818. Q. Do you not know pretty well who the bulk of the strikers are on east side of the river?

(Objected to as immaterial, irrelevant, and intended to consume time. Notaries disagree.)

A. Don't know.

1819. Q. Do you know of any other strikers there except Collins?

(Objected as immaterial, irrelevant, and intended to consume time. Notaries disagree.)

A. Don't know.

1820. Q. Are you not aware that those politicians on the east side of the river regard you as a striker?—A. Not one.

JOSEPH DEMPSEY.

C. O. CASE, *Notary Public*.

D. J. VAN AUKEN, *Associate Notary*.

JEREMIAH HARTIGAN recalled on part of the contestee.

Redirect :

1821. Question. Was you ever discharged from the Oswego Starch Factory, or when you left there, did you leave of your own will?—Answer. No, sir; I never was discharged from the factory.

1822. Q. Did you ever say or intimate in any way to J. C. Cooley that you had been discharged from the starch factory for voting the Democratic ticket?—A. No, sir.

1823. Q. Did you ever understand or suppose yourself to have been discharged from the starch factory for voting the Democratic ticket?—A. No, sir.

Recross-examined :

1824. Q. Are you at work in the starch factory now?—A. No.

1825. Q. How long since you did work there?—A. As near as I can tell, it is from 9 to 11 years.

1826. Q. You have worked there since factory No. 2 was built, have you?—A. Yes.

1827. Q. Did you work in factory No. 2?—A. No, sir; I worked at the steam-boiler that supplies both factories.

1828. Q. Do you know where the canal floor is in the starch factory No. 2?—A. I do.

1829. Q. Are you well acquainted with that room where the tanks are?—A. Yes, I have been through there.

1830. Q. Do you remember when the tanks were put in there?—A. No.

1831. Q. Were the tanks there on the canal floor when you first went there to work?—A. The factory was not built then.

1832. Q. When did you first know of there being tanks on that floor?—A. Fifteen or eighteen years ago.

1833. Q. How high are the tanks?—A. I can't tell.

1834. Q. Can you tell whether they stood on the floor or were raised up?—A. I can't tell.

1835. Q. Can you tell down to what time the tanks were there fifteen or eighteen years ago remain there now?—A. I can't tell.

1836. Q. Can you tell if they remained there within eight years?—A. No, sir.

1837. Q. What ticket did you vote last fall?—A. Republican ticket.

1838. Q. How long have you voted the Republican ticket?—A. I don't know when I voted a Republican ticket before.

1839. Q. Who were you to work for last fall?—A. Mr. Kingsford.

1840. Q. Did you vote the Republican ticket when you was in the starch factory?—A. Not always.

1841. Q. Can you state any occasion when you voted the Democratic ticket while in the factory?—A. I voted for Seymour for governor; I don't remember the year.

1842. Q. What ward did you vote in?—A. The fifth ward, formerly third ward.

1843. Q. Was it publicly known you voted for Seymour?—A. I suppose so.

1844. Q. Did you vote a Republican ticket on that occasion in which the name of Seymour was written in or put in by paster?—A. The ticket was printed in.

1845. Q. Was it split or straight Democratic ticket?—A. A straight ticket, as far as I have any recollection of.

1846. Q. Did it have a Republican heading?—A. No, sir.

1847. Q. Was Seymour elected governor on that occasion?—A. He was; I think so.

1848. Q. Are you working now?—A. No.

1849. Q. Did you work in the starch factory the next winter after you voted for Seymour?—A. Yes, sir.

1850. Q. That was during the war and when men were very scarce, were they not?—A. Yes; not very scarce, but lots of them.

1851. Q. Was there a starch-factory boss at the polls in your ward at the time you voted for Seymour?—A. Yes, sir.

1852. Q. Who was it?—A. I could not swear who he was.

1853. Q. Did you get a ticket from a starch-factory boss that day?—A. No.

1854. Q. Who did you get the ticket from you did vote?—A. Don't know; lots of men of both parties to get tickets of.

1855. Q. Did one of the starch-factory bosses offer you a ticket when you came to the polls on that occasion?—A. No, sir.

1856. Q. Can you state any other occasion when you voted a Democratic ticket while you was in the starch factory?—A. It is so long ago I can't recollect.

his  
JEREMIAH + HARTIGAN.  
mark.

Witness: C. O. CASE.

C. O. CASE, *Notary Public*.

D. J. VAN AUKEN, *Associate Notary*.

Adjourned until April 5, 1879, at 9½ a. m.

April 5, 1879, 9½ a. m. Met pursuant to adjournment. Present: Notaries Case and Van Auken; also contestant, by James Matthews, his attorney, and J. C. Churchill, attorney for contestee.

### *Deposition of James Cosgriff.*

JAMES COSGRIFF called and sworn.

1856½. Question. What is your age, residence, and occupation?—Answer. Age, forty-five years; residence, West First street, between Schuyler and Van Buren streets, city of Oswego; occupation, laborer.

1857. Q. Was you employed upon the building in process of erection by Thompson Kingsford last fall on the corner of West First and Seneca streets?—A. Yes, sir.

1858. Q. By whom was you employed ?—A. By Mr. Kingsford.  
 1859. Q. When was you employed ?—A. Three days after they began to clear up the foundation for the building.  
 1860. Q. How long did you continue to work there ?—A. Until about the 10th or 12th of December, 1878.  
 1861. Q. In what month did you begin work ?—A. About September.  
 1862. Q. Did you vote at the last November election ?—A. Yes, sir.  
 1863. Q. What ward ?—A. First ward.  
 1864. Q. What ticket did you vote ?—A. Democrat.  
 1865. Q. Was any effort made, so far as you have any knowledge, by Mr. Kingsford, or by any other person in his employment, to influence your vote or to ascertain how you intended to vote or how you had voted ?—A. No, sir.  
 1866. Q. Did you hear anything said by anybody employed on that building that they must vote the Republican ticket if they wished to keep their places there, or anything of that nature whatever ?—A. I never heard the like mentioned.  
 1867. Q. Have you ever been employed in the starch factory ?—A. Yes, sir.  
 1868. Q. How long ago ?—A. In 1855.  
 1869. Q. Have you since that been employed at different times by Mr. Kingsford ?—A. Yes, sir.  
 1870. Q. In what employment ?—A. Quarrying stone.  
 1871. Q. What have your politics always been ?—A. Democrat.  
 1872. Q. Has any effort ever been made by Mr. Kingsford, or by any person in his employment or in the employment of the starch factory, to influence your vote ?—A. No, sir.

Cross-examination :

1873. Q. Where did you vote last fall ?—A. First ward.  
 1874. Q. From whom did you get your ticket ?—A. Edward Monen.  
 1875. Q. Was you at work at that time for Mr. Kingsford ?—A. Yes, sir.  
 1876. Q. Who employed you to work ?—A. Mr. Kingsford.  
 1877. Q. Did you apply to him for work ?—A. Yes, sir.  
 1878. Q. Where was he at the time you made the application ?—A. At corner of Schuyler and First streets.  
 1879. Q. Did he put you under charge of any boss ; if so, whom ?—A. Mr. Sharpe.  
 1880. Q. What Sharpe ?—A. One of his bosses.  
 1881. Q. Do you know Sharpe's Christian name ?—A. No, sir.  
 1882. Q. What branch of work did he set you at ?—A. Digging out the foundation.  
 1883. Q. How long before election was you employed ?—A. About a couple of months.  
 1884. Q. Did you stay there after election ?—A. Yes, sir.  
 1885. Q. How long after election ?—A. Till about 10th or 12th of December.  
 1886. Q. Did you get any ticket from any of Kingsford's bosses, to vote last fall ?—A. No, sir ; I did not.  
 1887. Q. What time of the day did you leave your work to go and vote ?—A. I did not leave my work at all ; voted while I went to dinner.  
 1888. Q. Did you go alone to the polls to vote ?—A. Yes, sir.  
 1889. Q. Did anybody ask you in the afternoon whether you had voted or was going to vote ?—A. Yes ; some of the Democrats asked me if I had voted.  
 1890. Q. Where did you get your ticket ?—A. At the polls.

1891. Q. Had you talked with Monen before about getting a ticket?—A. No; I asked him for ticket at the polls.

1892. Q. Who did you vote for for member of Congress?—A. Duffy.

1893. Q. For member of assembly?—A. I can't tell name; I voted straight Democratic ticket.

1894. Q. Did you read the ticket yourself?—A. I did, sir.

1895. Q. Did you know enough of the ticket last fall to distinguish the outside heading of the Democratic, and outside heading of the Republican ticket?—A. Yes, of the Democratic ticket; I did not notice the Republican ticket.

1896. Q. Then you could not tell the difference without you noticed both, could you?—A. I could, sir; but I had only the Democratic ticket.

1897. Q. Did you notice other Democratic ticket besides the one you voted, so that you knew what the general heading was?—A. Yes, sir.

1898. Q. Will you swear positively that the Democratic ticket you voted last fall, or some of them, did not have Republican headings, the headings like other Republican tickets?—A. I cannot tell.

1899. Q. When did you work last for Mr. Kingsford previous to last fall?—A. Between two and three years before.

1900. Q. Who employed you to work then?—A. Mr. Kingsford, personally.

1901. Q. What election occurred during the time you worked for Mr. Kingsford on that occasion?—A. I cannot now tell.

1902. Q. Was there any election occurred during the time you worked for him on that occasion?—A. There was in March.

1903. Q. Who was your boss then?—A. Mr. Watson.

1904. Q. Did you vote at that election?—A. I did, sir.

1905. Q. Who did you vote for for mayor?—A. Mr. Poucher, the Democratic candidate.

1906. Q. When did you last work for Mr. Kingsford previous to that time?—A. In 1855.

1907. Q. Did you work in the starch factory then, making starch?—A. I did in 1855.

1908. Q. How long did you work for him on that occasion?—A. About eight months.

#### Redirect examination:

1909. Q. Has the Edward Monen from whom you received your ticket at last fall's election been a leading and active Democrat in the first ward for several years past?—A. He has as long as I have known him.

1910. Q. What did you say to him when you asked him for a ticket?—A. He was standing close by the polls. I walked up to him and said, "Edward, let me have one of your tickets."

1911. Q. Was there any attempt at concealment either on your part in asking or on his part in giving you a ticket?—A. No, sir; I generally get my ticket of him at the polls.

1912. Q. Did you understand the ticket he gave you to have the same heading as the other Democratic tickets he was distributing?—A. I did.

#### Cross-examination resumed:

1913. Q. How long have you lived in the first ward?—A. Twenty-five years.

JAMES COSGRIFF.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary.*



*Deposition of Patrick Fitzgibbons.*

PATRICK FITZGIBBONS called and sworn.

1914. Question. What is your age, residence, and occupation?—Answer. Age, forty-eight years; residence, sixth ward, city of Oswego; occupation, boiler-maker.

1915. Q. Where are you employed?—A. Kingsford's Machine Works, situated near the Oswego Starch Factory.

1916. Q. Who is the principal proprietor of those works?—A. Thompson Kingsford.

1917. Q. How long have you been employed there?—A. About three years—little over.

1918. Q. To what political party do you belong, or with what party do you generally act?—A. Generally with the Republican party.

1919. Q. What ticket did you vote at the last November election?—A. Republican ticket.

1920. Q. Who did you vote for for member of Congress?—A. Joseph Mason.

1921. Q. Was he your choice for member of Congress?—A. Yes, sir.

1922. Q. Do you vote for Democratic candidates when you think they are the best men?—A. I do, sir.

1923. Q. Has ever any attempt been made by Mr. Kingsford, or any person in his employ, or that of the employ of the starch factory, to influence your vote?—A. No, sir.

1924. Q. Have you ever understood or believed that your voting the Republican ticket was necessary, or would affect in any way your retaining your place in the Kingsford Machine Works, where you are employed?—A. No, sir.

1925. Q. How many men are employed in the Kingsford Machine Works?—A. From thirty to fifty; they vary according to the jobs.

1926. Q. Do they all belong to one political party?—A. I don't know to what party they do belong.

1927. Q. Have you ever understood that their politics had anything to do with their being employed there?—A. No, sir.

1928. Q. Have you ever heard any of the men employed there say or intimate that they supposed they must vote the Republican ticket if they wished to keep their places there, or anything whatever to that effect?—A. No, sir.

1929. Q. Have you ever been in Mr. Kingsford's employ or in that of the Oswego Starch Factory, except during the last three years?—A. No, sir.

Cross-examination:

1930. Q. Where did you vote last fall?—A. Sixth ward.

1931. Q. How long have you lived in that ward?—A. About sixteen or seventeen years.

1932. Q. Did you vote there during all that time?—A. Yes, sir; most generally.

1933. Q. What ticket did you vote fifteen or sixteen years ago?—A. That was according to the nominee. If I thought he was the best man I voted for him.

1934. Q. You did not claim, then, to belong to either political party?—A. No.

1935. Q. When did you commence work in the Kingsford iron-works?—A. About three years ago last November.

1936. Q. Was it before the election of that fall or after?—A. After election—about middle of November.

1937. Q. What branch of work did you go to work at?—A. Steam-boiler making.

1938. Q. Have you worked at that branch ever since?—A. Most of the time.

1939. Q. Have you understood from general outside talk, general speech of people outside of the iron-works, that the employes of the starch factory and iron-works were required to vote the Republican ticket?—A. It was the general talk among a certain class of politicians outside.

1940. A. That has been the talk for twenty years past—ever since you have been in sixth ward?—A. It has.

1941. Q. Is it not your opinion that the employes of the starch factory and iron-works nearly uniformly vote the Republican ticket?—A. I don't know anything about it, so I can't form an opinion.

1942. Q. You have generally been considered a Republican since you have been there, have you not?—A. I don't know.

1943. Q. You have generally voted the Republican ticket since you have been employed there?—A. Not all the time.

1944. Q. For what Democrats have you voted since you have been in the iron-works?—A. I can't tell; I can tell what Republicans I cut if you want that.

1945. Q. What Republicans have you cut?—A. Charles Doolittle for one.

1946. Q. Can you name any others?—A. No.

1947. Q. What office was he running for?—A. I think alderman.

1948. Q. Did you cut him more than once?—A. Yes.

1949. Q. Last fall you voted the Republican ticket straight; did you?—A. Straight.

1950. Q. What time of day did you go to vote?—A. In forenoon.

1951. Q. Did you go alone or in a squad?—A. We all went at a time, as the machine had to stop.

1952. Q. Were there any others from your ward who went with you from the iron works to vote on that occasion?—A. Yes.

1953. Q. Who were they?—A. One was Charles Bulger.

1954. Q. Any others?—A. Not as I know of.

1955. Q. How did Bulger vote?—A. I don't know.

1956. Q. Who did you get your tickets from at last fall's election?—A. I can't name him.

1957. Q. Did Bulger get his ticket from the same person you did?—A. Don't know.

1958. Q. Do you know of any person in the iron-works who voted the Democratic ticket last fall?—A. I don't know how they did vote.

1959. Q. Do you know of any person at work in the iron-works last fall, who it was understood among the men in the iron-works, that voted the Democratic ticket?—A. I did not hear any such remarks made.

1960. Q. Have you, during the time you have been at work for Mr. Kingsford, known of any person in his employ, working in the iron-works, who voted the Democratic ticket at any election?—A. I don't know what they did vote at all.

1961. Q. Have you, during that time, known of any person in the employ of Mr. Kingsford in the iron-works whom you have understood or heard either from him or other men at work in the iron-works, he voted the Democratic ticket?—A. No; not as I know of.

1962. Q. How many men were employed in the Kingsford iron-works at the time of last fall's election?—A. I can't tell exactly; from 30 to 50; might be more or less.

1963. Q. Were there not nearer 50 than 30?—A. I can't tell you; there might be nearer 50 than 30.

1964. Q. Did you ever work for Mr. Kingsford, or for the Oswego Starch Factory Company, before three years ago last fall?—A. No, sir.

1965. Q. Are you acquainted with the workings of the starch-factory proper?—A. Not much; it is out of my line of business.

Redirect resumed:

1966. Q. From what you have seen and known since you have been employed in Kingsford's iron-works, do you believe there was any foundation for the talk among a certain class of politicians to which you have referred, to the effect that the employes of the starch factory and iron-works were expected to vote the Republican ticket?—A. No.

1967. Q. Were politics a subject of conversation in the iron-works last fall, as far as your observation extended?—A. No, sir.

1968. Q. Do you know how a single man employed there voted besides yourself?—A. No; I don't know.

PATRICK FITZGIBBONS.

C. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary Public.*

Adjourned until 1½ p. m.

Met pursuant to adjournment. Present, Notaries Case and Van Auker; J. C. Churchill, counsel for contestee; and Wm. Tiffany, counsel for contestant.

PATRICK DANAHAR recalled and cross-examined.

(Objection raised as to the spelling of the name of Patrick Danahar is hereby waived.)

1969. Q. Have you now or have you ever had power to employ or to discharge men that were expecting to work or were working under you in the starch factory?—A. No.

1970. Q. Of what countries are the men that are and have been under your charge at the starch factory natives?—A. England, Ireland, Germany, Canada and America.

1971. Q. What country are the bulk of them natives?—A. Ireland.

1972. Q. In what branch of work are the men engaged who are under your charge?—A. Department known as scraping room No. 1.

1973. Q. Are you acquainted in starch factory No. 2?—A. I am.

1974. Q. Do you know what was and is called canal-floor in No. 2 is?—A. I know the floor you refer to, but not by that name.

1975. Q. Do you know the first floor above the basement in factory No. 2 where the tanks stand?—A. Yes, sir.

1976. Q. Is there more than one such room on that floor, the room where tanks stand?—A. I don't know.

1977. Q. Do you know the room in the east side of the building where the tanks stand, where the windows look out onto the river?—A. Yes.

1978. Q. Did you know that room in 1868 when you went back to starch factory to work?—A. Yes.

1979. Q. Have you known it ever since?—A. Yes.

1980. Q. Do the tanks in that room stand on the floor?—A. Yes.

1981. Q. Do the ends of the staves of the tanks stand on the floor?—

A. My impression is they stand on the floor. There may be a small block under them.

1982. Q. What do they stand on?—A. I can't tell more than I have.

1983. Q. Is there any open space under the tanks on that floor where rats could run under between the ends of the staves and the floor?—A. I don't know.

1984. Q. If there is blocking under them, does the blocking run clear around the tanks so that the end of the staves rest upon the blocking?—A. I don't know.

1985. Q. Can you give the names of any of the men who worked in that room in 1868?—A. I think a man by name of Dan. Mahoney; don't know of any more.

1986. Q. Where does he live?—A. Corner West 7th and Erie streets.

1987. Q. Do you know of any man who worked there in 1869?—A. I know of a man by name of Dennis Murphy, but don't know whether he worked there in 1868 or 1869.

1988. Q. The tanks that were on that floor in 1868 and 1869, have they been removed and others put in their place; and, if so, when?—A. I don't know.

1989. Q. Did you vote the Democratic ticket before you went to work in the starch factory?—A. No.

1990. Q. Did you claim to belong to the Democratic party or work for that ticket at any time before that?—A. No.

1991. Q. Did you vote the Democratic ticket at any time between the time you left the starch factory in 1862 and the time you returned there in 1868?—A. Yes.

1992. Q. Did you generally vote the Democratic ticket during that period?—A. During three years of that time I did not vote but once—voted for McClellan in 1864.

1993. Q. Then for three years after you left the starch-factory in 1862 you only voted once, and then for McClellan for President?—A. Yes.

1994. Q. During that three years you were in the Army, were you not?—A. Yes.

1995. Q. What time did you get home from the war?—A. About the first of June, 1865.

1996. Q. Did you vote the Democratic ticket in the fall of 1865?—A. I don't remember.

1997. Q. Did you not from the time you got back from the war until the spring of 1868, when you did vote, usually vote the Democratic ticket?—A. I don't remember.

1998. Q. What ward did you live in between 1865 and 1868?—A. Third ward.

1999. Q. Will you swear that you did not during that time, upon several occasions, both at general elections and charter elections, peddle Democratic tickets at the polls, advocating the election of the Democratic ticket at the polls in your ward?—A. I remember on two occasions of supporting Democrats for local offices—one for alderman and one for school commissioner.

2000. Q. Will you swear that those are the only occasions during that period that you attended the polls in your ward and peddled Democratic tickets or advocated the election of the Democratic ticket?—A. I do not remember of any other occasions.

2001. Q. Will you swear that you at a general or charter election between the time you returned from the war and the time you went to work in the starch-factory in 1868, you voted a Republican ticket?—A. I don't remember whether I did or not.

2002. Q. Did you at any time during that period attend the polls in your ward and peddle a Republican ticket?—A. I don't remember of peddling tickets only once for any party, and that for school commissioner, and that was for a Democrat, and that both candidates at that time were Democrats.

2003. Q. Did you not, soon after you returned from the war and down till about the time you went to work in the starch-factory in 1868, profess to be a Democrat among your friends and associates?—A. I don't remember that I did.

2004. Q. Will you swear that you did not?—A. No.

PATRICK DANARHAR.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary Public.*

By consent of respective parties, adjourned until April 7, 1879, at 2 p. m.

April 7, 1879, at 2 p. m., met pursuant to adjournment.

*Deposition of Edwin Chase.*

EDWIN CHASE SWORN.

2005. Question. What is your age and residence?—Answer. Age, seventy-one years; residence, Oswego, New York.

2006. Q. How long have you resided in Oswego City?—A. Thirty-five or thirty-six years.

2007. Q. What are your politics?—A. Democrat.

2008. Q. How long have you acted with the Democratic party?—A. Twelve years.

2009. Q. Did you vote at the last November Congressional election?—A. I did.

2010. Q. For whom did you vote for member of Congress?—A. I did not vote for anyone.

2011. Q. Why did you not vote for Sebastian Duffy, who had been taken up by the Democrats in this district as their candidate?—A. Because I did not think he was a Democrat; he was first nominated by the Greenbackers, and the Democrats endorsed him.

2012. Q. Was you in favor of the resumption of specie payments?—A. I was, strongly.

2013. Q. Do you understand that to have been the view of a large part of the Democratic party in this city and district?—A. I do.

2014. Q. Did you or did you not hear of considerable numbers of Democrats declare before the nomination was made that they would not support a Greenbacker for Congress—for any office?—A. I heard many Democrats say before election that if a Democrat was nominated they would support him, but that they would not support a Greenbacker for any office.

2015. Q. After Mr. Duffy was endorsed by the Democratic Congressional convention, did you hear considerable numbers of Democrats say they would not vote for him?—A. I heard some, but not as many as before his nomination.

2016. Q. Did you attend the polls on election-day?—A. I did.

2017. Q. From what you saw and heard on that day, did you understand that considerable numbers of Democrats did not vote for Mr.

Duffy ?—A. I can't say that I did on election-day ; there was nothing said about Mr. Duffy or anybody else ; the talk was all on sheriff.

2018. Q. From what you heard subsequent to election-day, did you understand that considerable numbers of Democrats did not vote for Mr. Duffy ?—A. Yes ; I did.

2019. Q. Was it generally understood that Mr. Mason was in favor of resumption of specie payments ?—A. I don't know as I heard anything about it.

2020. Q. Did you not understand that the Democratic State convention, both in 1877 and in 1878, declared itself in favor of specie payments ?—A. Yes, sir.

Cross-examined :

2021. Q. In what ward do you reside ?—A. First ward.

2022. Q. Did you attend the polls on that day, last fall's election ?—A. I did.

2023. Q. Was you at the polls all day ?—A. Nearly all day ; away an hour or two in the morning.

2024. Q. Do you know a man by the name of Moriarity who resides in the fourth or second ward, and who was engaged in canvassing in your ward on that day ?—A. I don't remember whether he was there last fall or not ; he might have been.

2025. Q. Do you know the Moriarity referred to ?—A. I referred to the one employed in the county clerk's office.

2026. Q. Did you not hear of this Moriarity as being very active in your ward canvassing for Mr. Mason and Mr. Sloan at or about the time of last fall's election ?—A. I can't say as I did.

2027. Q. Who can you name among the Democrats as having said, after Mr. Duffy's nomination to Congress, they would not vote for him ?—A. I could not say ; I am not sure I can name any one.

2028. Q. What Democrat did you hear say after the election they had not voted for Mr. Duffy, or that they had voted for Mason ?—A. I did not hear any one say he voted for Mason ; I can recollect of two who said they did not vote for Duffy ; don't know as I can recollect any more.

2029. Q. Was not Mr. Dowdle, candidate for county treasurer, nominated by the Greenbackers in county convention some time before Duffy was nominated for Congress by the Greenbackers ?—A. Yes.

2030. Q. Did he not, as you understood it at the time, accept the nomination of the Greenbackers before he was nominated by the Democrats ?—A. Yes, sir.

2031. Q. Was Dowdle afterwards indorsed by the Democrats ?—A. He was.

2032. Q. He was elected, was he not, at last fall's election, and, if so, by about how many majority ?—A. He was, by about 1,000 majority.

2033. Q. About what majority did Dowdle get in the city of Oswego ?—A. Pretty large majority ; I think some 600 or 700 ; don't remember exactly.

2034. Q. The talk you heard before the nominations were made by the Democrats, from Democrats, to the effect that they would not support Greenbackers if they were indorsed by Democratic conventions, had reference to candidates generally, did it not, and not to any particular one ?—A. Yes ; generally said they must have a Democratic ticket ; must nominate Democrats if they wanted them elected.

2035. Q. How long have you resided in Oswego ?—A. Thirty-five years.

2036. Q. Can you state whether there has been a general report in the city of Oswego among politicians for the last fifteen years that the employés of the Oswego starch factory must vote the Republican ticket on pain of being discharged?—A. That has been the general report with the Democrats.

2037. Q. You were a Republican at one time, were you not, and voted the Republican ticket?—A. I can't say that I was; I voted with them two or three times; I was a Whig.

2038. Q. Did you vote for John C. Frémont in 1856?—A. I did not; I voted for Fillmore.

2039. Q. Did you vote for Abraham Lincoln in 1860?—A. I did; and again in 1864.

2040. Q. Did you vote for Grant in 1868?—A. I did not.

2041. Q. Did you vote a Republican ticket after 1864, either county or State?—A. No.

2042. Q. Was it not during the time you were acting with the Republicans the general understanding among Republican politicians in Oswego that they could generally rely upon substantially the entire starch-factory vote for the Republican ticket provided they could get the approval of the Kingsfords?—A. My answer to the above was the saying that such a man could be elected because the starch factory would go for him.

2043. Q. Was it not generally understood among Republican politicians that in order to insure the starch-factory vote for the Republican candidate it would be necessary to have the approval of the Kingsfords?—A. I can't say generally; I heard the Republican politicians through the first ward talk that; generally through the city, I can't say; lately they have denied for two or three years past his having interfered at all.

2044. Q. Has that not continued to be the understanding among Republican politicians in your ward, and, as far as you know, throughout the city, down to the present time?

(Objected to by attorney for contestee as immaterial and irrelevant.)

A. This question is answered by answer to question No. 2043.

2045. Q. What Republican politicians have you ever heard say, prior to the time of this contest commenced, and during the last three years, Mr. Kingsford did not interfere with the starch-factory vote, or words to that effect?—A. Mr. Werts, for one; John Mack, William Blackwood, and, I think, John Oliphant; don't think of any more now. John Mack said Mr. Kingsford was accused of interfering, but he was not guilty.

2046. Q. Did the others you have mentioned make substantially the same statement? If not, state what each one did say.—A. Werts said he did not believe that he interfered any more than any mechanic did who had men to work for him. Oliphant said that Kingsford did not meddle with his men any more than any one else did that had men to work for them. Blackwood denied that there was anything in the saying that Kingsford interfered with his men.

2047. Q. Were these statements made by these parties at the same time?—A. About the same time; all on election day; I think on the same election day.

2048. Q. On what election day do you think it was?—A. Spring charter election; I don't remember what year.

2049. Q. What was the occasion of this conversation?—A. The occasion was that John Roach was down from the third ward to the first ward peddling tickets.

2050. Q. Was Roach a starch-factory boss?—A. Yes, sir.

2051. Q. There was complaint then that he was sent there by Mr. Kingsford, was there not?—A. Yes; the Democrats complained that he was sent there to give the starch-factory men their tickets.

2052. Q. Was it in vindicating Mr. Kingsford against these accusations in having sent John Roach, who lived in the third ward, into the first ward to give the starch-factory voters their ballots and see they did not vote the Democratic ticket, that John Mack and John Oliphant, Mannister Worts, Mr. Blackwood, said what you have sworn they did say about Mr. Kingsford not interfering with the starch-factory voters?—A. That was the way I understood it.

2053. Q. Did this conversation occur at the polls?—A. I think it did; I am not sure that John Mack was at the polls.

Redirect examination :

2054. Q. How long ago was this charter election to which you have referred?—A. Three or four years ago.

2055. Q. Did you see John Roach at the polls in the first ward on that occasion?—A. I did.

2056. Q. He lives, does he not, in what was formerly called the first ward and just over the line of the present first ward?—A. Yes, sir.

2057. Q. How long did you see him at this poll on that occasion?—A. I think I saw him around there about an hour; it might not have been as long.

2058. Q. What time in the day was it?—A. I think it was in the forenoon.

2059. Q. Did you see him offer a vote to any person during that time?—A. No, sir.

2060. Q. Did you see him interfering with any one who was attempting to vote?—A. No, sir.

2061. Q. Has it not been a common thing when any person connected with the starch factory was seen at or about the polls for Democrats to attempt to excite a prejudice against them by claiming that they were sent there by Mr. Kingsford, or that they were there interfering with the voting of starch-factory men?—A. Yes.

2062. Q. Have you ever known of any instance of Mr. Kingsford or any one connected with the starch factory interfering improperly with the vote of any voters in this city?—A. I never did.

2063. Q. What Republican did you ever hear say that he would be elected because he could have the starch-factory vote?—A. I can't name the man.

2064. Q. Can you name any man who claimed to have been elected by the starch-factory vote?—A. No.

2065. Q. Mr. Dowdle, the Democratic and Greenback candidate for county treasurer last fall, was a resident of this city, was he not, and received a very active local support?—A. He did.

2066. Q. Mr. Mason and Mr. Duffy both reside at some distance from this city, do they not?—A. Yes.

2067. Q. Mr. Dowdle's opponent also lived in another part of the county, did he not?—A. Yes.

E. CHASE.

O. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary Public.*



*Deposition of James G. Sharpe.*

JAMES G. SHARPE called and sworn.

2068. Question. What is your age, residence, and occupation?—Answer. Age, 47 years; residence, corner Varik and Murray streets, Oswego City; occupation, foreman in the starch factory.

By consent, adjournment until April 8, 1879, at 9 a. m.

April 8, 1879, at 9 a. m., met pursuant to adjournment.

Direct examination of JAMES G. SHARPE resumed:

2069. Q. How long have you been employed in the Oswego Starch Factory?—A. Nine years April 1, 1879.

2070. Q. What is your position in the factory?—A. General foreman in both factories.

2071. Q. How long have you occupied that position?—A. Four years.

2072. Q. Was you general foreman and time-keeper for Mr. Kingsford in the erection of the building put up by him for O. M. Blanchard & Co. at the corner of West First and Seneca streets last fall?—A. I was.

2073. Q. When was work commenced on the foundation of that building—the excavation?—A. September 17, 1878.

2074. Q. When did work cease on that building?—A. December 5, 1878.

2075. Q. Did you keep the time of all the persons employed upon that building?—A. All except the carpenters and machinists.

2076. Q. You kept the time of all the common laborers, stone-cutters, masons, and teamsters?—A. Yes, sir.

2077. Q. Have you with you here at the present time your time-books kept during the progress of the work?—A. Yes, sir.

2078. Q. Why was the work stopped when it was stopped?—A. On account of the frost.

2079. Q. Up to that time was all the force employed upon the building that it was supposed could be profitably employed?—A. Yes, sir.

2080. Q. Was an effort made to get the building inclosed before the winter set in?—A. Yes, sir.

2081. Q. Were you able to accomplish it?—A. No, sir.

2082. Q. Was there a single person employed upon that building, so far as you have any knowledge, information, or belief, except with sole reference to the proper prosecution of the work?—A. No, sir.

2083. Q. Was there a single person discharged from employment there, so far as you have any knowledge, information, or belief, except for the reason that his services were no longer needed upon the work?—A. No, sir.

2084. Q. Was any person either employed or discharged, so far as you have any knowledge, information, or belief, on account of his politics or with any reference to his politics, or to the manner in which he had voted or was expected to vote?—A. No, sir.

2085. Q. Were many of the men who were then employed employed upon your recommendation or suggestion?—A. They were, sir.

2086. Q. As a general thing were the politics of these men known to you?—A. Not personally known; part I did and some I did not.

2087. Q. When not known to you was any effort made by you at the time, or any subsequent time, to ascertain what their politics were?—A. No, sir.

2088. Q. Was any effort made by Mr. Kingsford or by any person in his employ, so far as you have any knowledge, information, or belief, to ascertain the politics of the men who were employed upon that building

or how they had voted or intended to vote or to interfere in any way with their voting at the last November election ?—A. No, sir; not to my knowledge, information, or belief.

2089. Q. Was there any increase immediately before the election or any decrease in the number of laborers employed there immediately after the election ?—A. No, sir.

2090. Q. What are your own politics ?—A. I am a Republican.

2091. Q. And do you take a considerable interest in political affairs ?—A. Yes, sir; I take an interest in the party.

2092. Q. What do you understand to be the politics of a considerable majority of the men employed in the starch factory ?—A. I think a majority of them are Republicans.

2093. Q. Have you been accustomed to spend more or less of the time at the polls on election-day working for the Republican ticket ?—A. Yes, sir.

2094. Q. In what ward do you reside ?—A. In the fifth.

2095. Q. What is the politics of that ward and by about what majority ?—A. It is a Democratic ward, by a majority of about 100.

2096. Q. What is about the average vote of that ward ?—A. From 500 to 600, I should say.

2097. Q. State whether or not, in your judgment, a majority of the voters in that ward are employed by the starch factory and its associated industries, or connected with those who are so employed.—A. I should say they were.

2098. Q. Have you ever used, in any way, directly or indirectly or indirectly, your position as foreman in the factory to influence the vote of any person employed there ?—A. I have not, sir.

2099. Q. You have heard charges by Democrats of starch factory interference and intimidation of voters, have you not ?—A. Yes, sir; I have heard such reports outside of the factory.

2100. Q. From your knowledge and observation for the last nine years state whether or not those reports have any foundation in fact.—A. They have not.

2101. Q. State whether or not you yourself, in consequence of these charges, have been careful to avoid political discussion with men employed at the starch factory.—A. I have, sir.

2102. Q. When at the polls are men employed in the starch factory expected to come to you or to some other of the foremen employed there to get their tickets ?—A. There is no compulsion about it; they get them of whom they choose.

2103. Q. Have you seen men employed at the starch factory when they came to the polls to vote get their votes from men whom you understood to be Democrats and to be distributing Democratic tickets ?—A. Yes, sir.

2104. Q. And did you, at the time, understand that these men voted the Democratic ticket ?—A. Yes, I supposed at the time they voted the Democratic ticket.

2105. Q. In such case was any memorandum made at the time of the action of those men, or any report of the action of those men made either to Mr. Kingsford or to any one else ?—A. Not to my knowledge.

2106. Q. Have you ever reported or understood that any other person reported or was expected to report to Mr. Kingsford or to anybody else any employé of the starch factory who it had come to your knowledge had voted the Democratic ticket ?—A. Not to my knowledge; I never made any such report myself.

2107. Q. Have persons employed at the starch factory when you have

been at the polls come to you to ask for Democratic pasters when they wished to vote for individual Democrats in preference to candidates upon the Republican ticket?—A. There have been such instances.

2108. Q. Have you ever known any instance in which a person employed at the starch factory was discharged because he was a Democrat or because he had voted the Democratic ticket, or any instance in which the politics of the individual entered into the question of his employment or discharge?—A. I have not.

2109. Q. How do men employed at the starch factory go to the polls—all at the same time or in divisions?—A. In divisions.

2110. Q. And why is that?—A. The work is so we can't let them go, only a few at a time, without injury to the starch in process of manufacture.

2111. Q. And is that the only consideration, so far as you have any knowledge, information, or belief, which is taken into account in determining the order and manner in which the men go to the polls?—A. Yes, sir.

2112. Q. Has it any reference whatever to controlling or influencing their action at the polls?—A. Not to my knowledge or belief.

2113. Q. Mr. Cooley testified that he understood that there was a system at the starch factory in accordance with which just previous to election employes in the starch factory were sent for to ascertain their political preference; that on election morning they were sent for in squads and given tickets, or told to procure tickets of certain bosses at the various polls; and that parties in the employ of the starch factory attending at the polls on election-day report to Mr. Kingsford during the day and after the close of the polls all persons who had voted the Democratic ticket. Now, according to the best of your knowledge, information, or belief, is there one word of truth in that statement?—A. There is not.

Cross-examination:

2114. Q. What was your business before you went to the starch factory?—A. A miller.

2115. Q. Where did you work at your trade at milling?—A. I was in the Battle Island Mill for seven years.

2116. Q. Was that seven years immediately previous to your going into the starch factory?—A. No, sir.

2117. Q. How long a period intervened between that time and the time you went into the starch factory?—A. Between four and five years, if I remember right.

2118. Q. During that period what was you employed at?—A. I was employed in the Exchange Mill a portion of the time, in Oswego.

2119. Q. What portion of the time?—A. Two and one-half years in Exchange Mill first part of that time, and then one and a half years at the Atlas Mill in Oswego.

2120. Q. What politics did you profess while at Battle Island?—A. I used to vote occasionally the Democratic ticket, or a portion of it.

2121. Q. You lived at Battle Island during the time you worked there?—A. Yes, sir.

2122. Q. In what town and county did you live?—A. Town of Volney, Oswego County.

2123. Q. Where did you go to vote?—A. At Fulton.

2124. Q. Did you not during the time you resided in the town of Volney and while working at Battle Island Mills, hold yourself out among your acquaintances and associates as being a Democrat?—A. I can't say that I did.

2125. Q. Will you swear that you did not?—A. I will not swear that I did not.

2126. Q. Did you not usually during the time you resided in the town of Volney, and working at the Battle Island Mills, vote the Democratic ticket?—A. I did; or a portion of it.

2127. Q. Do you mean to say in answer to this question that you did, or a portion of it?—A. Yes, sir.

2128. Q. When you left the town of Volney where did you go to reside?—A. City of Oswego, fifth ward.

2129. Q. When was it you moved into the fifth ward, city of Oswego?—A. It was 13 years ago last February, if I remember right.

2130. Q. Was there any fifth ward at that time in the city of Oswego?—A. No, sir.

2131. Q. You then moved into the third ward of the city of Oswego?—A. Yes, sir.

2132. Q. Did you continue to reside in the third ward of the city of Oswego until the place where you resided was set off into the fifth ward?—A. Yes, sir.

2133. Q. Did you continue to vote the Democratic ticket after you moved into the third ward, city of Oswego?—A. I might have voted a portion of it, but not the whole ticket.

2134. Q. Did you not continue to vote the Democratic ticket or a portion of it down and until about the year 1869?—A. No, sir; I have not voted the Democratic ticket or any portion of it for twelve years.

2135. Q. Did you not, after you moved into the third ward of the city of Oswego, hold yourself out among your acquaintances and associates as being a Democrat?—A. No, sir.

2136. Q. Did you never at any time, while living in the third ward after moving there, as you have stated, claim that you was a Democrat, and hold yourself out as such?—A. Not to my knowledge.

2137. Q. Will you swear that you never did, during the four years after you moved into the third ward of the city, claim that you was a Democrat, or represent yourself to any person to be such?—A. I will not swear that I did or did not.

2138. Q. When was the first occasion upon which you openly declared yourself to be a Republican?—A. Twelve years ago.

2139. Q. What occasion did you openly declare yourself to be a Republican?—A. No particular occasion; I changed my views.

2140. Q. What were the grounds of your changing your views?—A. No particular grounds; there appeared to be a different element in the city than in the country.

2141. Q. You met with no change of views, then, upon national or State questions which induced you to change your political actions?—A. Not that I can bear in mind.

2142. Q. Did you ever attend the polls and peddle Republican tickets in the old third ward before you were set off in the fifth ward?—A. No, sir.

2143. Q. Did you ever take an active part in politics as a Republican while you were in the old third ward before you were set off into the fifth ward?—A. I cannot say that I did.

2144. Q. When did you commence taking an active part in politics as a Republican?—A. I can't name any particular time.

2145. Q. Did you attend the polls at the first election after you was set off into the fifth ward?—A. I don't remember.

2146. Q. Did you ever attend the polls and take an active part on the

Republican side at any election until after you went to work in the starch factory?—A. I can't say that I did.

2147. Q. Don't you know that you did not?—A. I think I was one year at the polls before I went into the factory; am not sure.

2148. Q. Is that the only answer that you can give to the question?—A. It is.

2149. Q. When you first went to work in the starch factory who did you apply to for work?—A. To David Davies.

2150. Q. Had you applied there for work previous to that time?—A. I had friends who had spoken for me.

2151. Q. How long previous to the time you were first employed was there an application made by you on your behalf for employment in the starch factory in case there was a vacancy?—A. Say two months.

2152. Q. Will you swear it was not four months?—A. I won't swear to particular time.

2153. Q. Had you not previous to that time and while you were living in the third ward, made inquiry at the starch factory or requested friends or acquaintances to make inquiry to see if you could get employment in your line of business?—A. I don't know of any other time I applied for a situation than only through the friend I spoke of.

2154. Q. Will you swear that you did not in the year 1867, either yourself in person or through some of your friends, make application to the starch factory or to Mr. Kingsford or some of the bosses of the starch factory or managers for work?—A. I never made application to Mr. Kingsford, or Davies, or any one else, except through this friend Parker, till the day I hired out.

2155. Q. Who was this friend who made application for you?—A. Thomas Parker.

2156. Q. When did you first talk with Thomas Parker about making an application to the Starch Factory Company or any of its managers for work?—A. It might have been two months, or it might have been three; I can't say.

2157. Q. Will you swear you had not talked with him about getting employment in the starch factory a year before that time?—A. I will swear I did not.

2158. Q. Mr. Kingsford and Mr. Davies both lived in the third ward during the time you lived there?—A. I think they did.

2159. Q. Mr. Davies was an active and zealous Republican, was he not?—A. I don't know what the man's politics was.

2160. Q. The starch factory votes at that time were nearly all of them Republicans, or supposed to be, were they not, during the time you were in the third ward?—A. I could not say what portion of them were.

Adjourned until 2 p. m.

Met pursuant to adjournment. Present, Notaries Case and Van Auken; John C. Churchill, counsel for contestee; Wm. Tiffany, counsel for contestant.

Cross-examination of JAMES G. SHARPE continued:

2161. Q. Have you lived in the present fifth ward of city of Oswego ever since it was formed?—A. Yes, sir.

2162. Q. What year was that ward formed?—A. I don't remember.

2163. Q. Was it formed before or after you first went to work at starch factory, or the same year?—A. I cannot say; I don't recollect.

2164. Q. Did you attend the polls and peddle the Republican ticket

in fifth ward the first year after the ward was formed ?—A. I don't think I did.

2165. Q. Did you so attend the polls and peddle Republican tickets during the second year after the ward was formed ?—A. I can't say, because I don't recollect when the ward was formed.

2166. Q. Did you so attend the polls and peddle Republican tickets in fifth ward in 1872 ?—A. I don't think I did.

2167. Q. Did you attend at the polls in your ward at either election in 1873 and peddle Republican tickets ?—A. I won't be positive whether I did or not.

2168. Q. What is your best recollection ?—A. My best recollection is that I did not.

2169. Q. Did you attend the polls in the fifth ward and peddle Republican tickets at the election in 1874 ?—A. I think I did.

2170. Q. Did you attend and so peddle tickets at both the spring charter election and in the fall general election of that year ?—A. I don't remember.

2171. Q. What is your best recollection ?—A. According to my best recollection I did.

2172. Q. Have you since 1874 attended all the elections in the fifth ward and peddled Republican tickets ?—A. Yes, sir ; I have.

2173. Q. You never had worked in the starch factory or for Thompson Kingsford before the 1st day of April, 1870 ?—A. No, sir.

2174. Q. Did you see and talk with Thompson Kingsford before you went to work there ?—A. No ; I did not.

2175. Q. What work was you put upon when you first went there ?—A. Dressing stone to grind corn.

2176. Q. How long did you continue at that kind of work ?—A. About a year or so.

2177. Q. During that time did you have any other men under your charge ?—A. No, sir.

2178. Q. What did you next go to work at ?—A. Hoisting engine at the erection of the large new stone building.

2179. Q. How long did you continue at that business ?—A. About three or four months ; can't tell exactly.

2180. Q. When that job was done, what did you next go to work at ?—A. Went to running the pulverized mills.

2181. Q. How long did you continue running the pulverized mills ?—A. Two years.

2182. Q. Did you have any men under your charge during that time ?—A. No, sir.

2183. Q. What did you go to doing after you got through the mill ?—A. Went as foreman starch making.

2184. Q. Can you give the date when you became foreman ?—A. I can't.

2185. Q. Give it as near as you can.—A. Four or five years ago.

2186. Q. What time of year was it ?—A. Spring, or forepart of summer.

2187. Q. Was you general foreman of both starch factories when you commenced acting in the capacity of foreman ?—A. Not for the first year or year and a half.

2188. Q. Which one was you foreman of the first year ?—A. Called No. 2 factory.

2189. Q. Can you tell when you became foreman of both factories ? A. I cannot tell the time ; I have been foreman of both factories in the neighborhood of two and a half years.

2190. Q. While you were foreman of starch factory No. 2 how many men did you have under your charge on an average?—A. Forty odd.

2191. Q. Since you have been foreman of both factories, how many men have you had under your charge?—A. Between eighty and ninety.

2192. Q. How many men were employed on the new building corner of First and Seneca September 17, 1878?—A. Seven men September 17, 1878.

2193. Q. How many men employed on that building who were under your charge October 1, 1878, or whose time you kept?—A. One hundred and eighty-six men.

2194. Q. How many men were at work on that building of whom you had charge or whose time you kept on the 22d of October, 1878?—A. One hundred and seventy-four men.

2195. Q. How many men were there at work on the building under your charge or whose time you kept on the 4th day of November, 1878?—A. One hundred and fifty-two men.

2196. Q. You swear that those were all the men at work on that building November 4, 1878?—A. Yes.

2197. Q. How many were there at work on said building November 1, 1878?—A. 154 men.

2198. Q. What was the number employed on the 15th November, 1878?—A. 175 men.

2199. Q. What was the number employed on the 25th day of November, 1878?—A. 176 men.

2200. Q. They were all discharged when the work stopped on the 5th of December, 1878, were they?—A. Yes, sir.

2201. Q. The figures you have given have reference to common laborers, masons, teamsters, stone-cutters only, and do not cover carpenters and joiners and machinists?—A. Yes, sir.

2202. Q. Are you able to give us the number of carpenters and joiners, machinists, and workers in iron?—A. I cannot give their number; I did not keep their time.

2203. Q. Are the men under your charge in your capacity as general foreman of the starch factory the operatives in manufacture of the starch?—A. Yes, sir.

2204. Q. Are you acquainted with the politics of most of your men?—A. I am not personally acquainted with their politics.

2205. Q. Have you not a general understanding and belief from your knowledge of your men and the knowledge of their politics that they all uniformly or nearly uniformly on election-days vote the Republican ticket?—A. I can't say it is my understanding and belief.

2206. Q. Is it not your understanding and belief that nearly all of them uniformly vote the Republican ticket on election-day?—A. I believe a majority of them do; I can't get any nearer to it than that.

2207. Q. Will you swear that you do not understand and believe that nearly all the men under your charge uniformly or nearly uniformly vote the Republican ticket on election-day?—A. I can't swear that, for I don't know.

2208. Q. Do you mean to say by your answer to the last question that you don't know what you understand and believe about the subject-matter there referred to?—A. My opinion is that the largest portion of them vote the Republican ticket.

2209. Q. Is that the only answer that you can give to question No. 2208, and the only explanation you can give of your answer to question No. 2207?—A. Yes.

2210. Q. How many of the men under your charge as foreman at the

starch factory have been in employment there ever since you became general foreman two and a half years ago?—A. Probably most of them.

2211. Q. Do you know of any who have been employed or whose term of employment under the starch factory commenced within the two and a half years since you have been general foreman?—A. I remember of two that have been put in in that time; one is George Lanfire, the other man is named ——— Scully.

2212. Q. Where does Scully reside?—A. In fifth ward; can't give number of residence.

2213. Q. Are these two, George Lanfire and Scully, the only two men you can name who have been taken into the employ of whom you have charge in the starch factory during the two and a half years that you have been general foreman?—A. They are the only ones I can call to mind.

2214. Q. What are their politics?—A. I don't know.

2215. Q. Are there any under your charge whom you know or understand or believe to be Democrats, and who you know, understand, and believe usually vote the Democrat ticket and whom you can name?—A. I cannot.

2216. Q. Sayers is the general outside foreman, is he not?—A. Both inside and outside.

2217. Q. You have no charge over the outside men, do you?—A. Unless it is to do a job of outside work.

2218. Q. By doing outside work, do you mean that you take your own men outside?—A. Sometimes to do a little job of outside work I do.

2219. Q. You have no general charge of what are called the outside men, do you?—A. No, sir.

2220. Q. Does the starch factory run on Sundays?—A. No; only a portion of the machinery.

2221. Q. How many men are usually kept in employ at the starch factory about the manufacture of starch running the machinery on Sundays?—A. Two men in each factory watching.

2222. Q. How many men at the starch factory are kept in employ at the starch factory running machinery and manufacturing starch in the night time?—A. In neighborhood of 20 men.

2223. Q. Can you give any reason why it is necessary to keep more men at work in the starch factory manufacturing the starch and running the machinery on election-day than on Sunday or in the night time to prevent the starch from being injured?—A. Sabbath day we don't run a day's work of starch, and same as to the night. Only the grinding of corn goes on day and night.

2224. Q. Manufacturing starch from grain, what is the first thing, grind it or wet it?—A. Wet it, and then grind the corn, and it is kept wet until the starch is all extracted.

2225. Q. How long does it usually take after a batch of corn is wet before the starch can be extracted from it, as you manage the starch factory?—A. From three to four weeks.

2226. Q. Can you give us any further explanation why starch is more apt to damage from being short of men or in the absence of men on election-day than nights and Sundays?—A. We have to get our day's work through when we start.

2227. Q. Is there any particular process, any portion of the material for the manufacture of starch that has to be put through in one day after it is commenced, and which requires all or nearly all of the men that are employed in the manufacture of starch?—A. Yes, sir.

2228. Q. Explain what that process is.—A. We have to box so much



each day to get it out of the way of that that is coming after it, and we have starch in kilns that has to be changed and taken care of every day. Sundays we make preparations not to have to do so; and if we don't get through so much starch every day the starch factory would be short of a day's delivery of starch, and this work takes all the men.

2229. Q. Can you explain how the starch would be more likely to be injured by allowing all the men except the number usually kept Sundays to go to the polls and vote at the same time and be absent over two hours than it would to allow them to go in small detachments of from three, five, or ten, provided each remained away for the same length of time?—A. In the morning when we start out for our day's work we have a great deal of machinery we have to put in gear, and it takes a great many men to look after it, and by changing, a portion of the men can go while others remain and watch the machinery, and by changing of them one set can go, and then when they return another set can go.

2230. Q. Is that the only answer you can give to that question?—A. In the morning a batch of starch is started, and at just such a time through the day it has to go through a particular process.

2231. Q. At these processes do you mean, in addition of chemicals, periodical agitation of the mass or batch the starch is made from, or its change from one set of vats or tanks to another; what other operation does it require of the labor of men?—A. That's all—that is, all of those things require attention of men and in addition scraping and drying.

2232. Q. Is it necessary that the scraping and drying be done at a precise time?—A. Yes.

2233. Q. How many men does it take to continue the process of scraping and drying of what you call a batch of starch?—A. Twenty men in each factory.

2234. Q. Is the process of scraping continued during the entire day?—A. No, sir.

2235. Q. What time in the day?—A. Times vary according to the state of it.

2236. Q. Ordinary days, about what time?—A. All times of day some days; not uniform.

2237. Q. You run a batch of starch each day?—A. Yes.

2238. Q. Does the batch of starch that you run each day furnish the starch for the scraping of that day?—A. Yes.

2239. Q. How long after you commence running the starch in the morning before the scraping commences?—A. The same day.

2240. Q. What time of day does the scraping commence?—A. It varies; scraping commences when it is in the proper state; varies two or three hours sometimes.

2241. Q. Does it ever commence before 9 or 10 o'clock in the morning?—A. Yes.

2242. Q. The process of running starch goes on night and day?—A. No, sir; starch is not run in the night.

2243. Q. You don't employ nor discharge men, do you?—A. I don't employ any men; I discharge them if I had occasion.

2244. Q. Mr. Kingsford personally attends to employing men, does he not?—A. Yes.

2245. Q. Did you employ any of the men in the new building last fall you had charge of?—A. I did.

2246. Q. Did Mr. Kingsford personally attend to the employing of any men in that building?—A. He employed a majority of them.

2247. Q. In your direct examination you say you have heard reports

of starch-factory intimidation of voters; had you heard such reports before you went to the starch factory to work?—A. I don't know whether it was before or since I went there to work.

2248. Q. Will you swear that you had not heard such reports before you went to the starch factory to work?—A. I cannot.

2249. Q. When you have attended elections at the polls you say you have seen starch-factory voters get tickets from Democrats who were peddling tickets; can you name such an instance, giving the starch-factory voter and the Democrat?—A. I can't recollect them.

2250. Q. You can't give the name of any starch factory voter who got his ticket from a Democrat, or the name of a Democrat from whom any starch-factory voter received a ticket?—A. I can't bring to mind any particular person.

2251. Q. In your direct examination, you say starch-factory voters have asked you for Democratic pasters; can you give the name of any such starch-factory voters?—A. I can give you a couple of names—James Scully and his son.

2252. Q. Did any other starch-factory voters ever ask you for Democratic pasters?—A. There have been others, but I can't call them to mind now.

2253. Q. Upon what occasion was it that James Scully and his son asked for Democratic pasters?—A. They wanted pasters for inspector of election in the city last charter election last month.

2254. Q. Did they or either of them at any other time ask you for Democratic pasters?—A. Not that I remember of.

2255. Q. Whose pasters did they ask for?—A. For a relation of theirs by the name of Scully.

2256. Q. Did you furnish them?—A. No; I directed them where I thought they could get them.

2257. Q. Did you suggest to them which name to scratch off of the Republican ticket?—A. I did not.

2258. Q. By the law in relation to the election of inspectors of election each person is allowed to vote for two inspectors, is he not?—A. Yes, sir.

2259. Q. Three inspectors are to be elected, are they not?—A. Yes.

2260. Q. So that two would be chosen on one ticket and one on the other?—A. I suppose so.

2261. Q. You said the usual Democratic majority in your ward was 100, did you not?—A. Yes; something near that.

2262. Q. Naturally, then, would not the effect of using these Democratic pasters be only to determine or tend to determine which of the two Republicans running should be elected?—A. Yes.

2263. Q. Now did any other starch-factory voter ever ask you for any Democratic pasters except for some inferior office?—A. I don't know for what office; they have asked me for pasters; that is, other starch-factory voters besides those I have named.

2264. Q. Do you know of any one of the men in your charge having voted the Democratic ticket during the time you have been general foreman at the starch factory?—A. I don't know.

2265. Q. Do you know of any occasion on which any of your men, and now under your charge, voted a Democratic ticket, according to the best of your knowledge, information, and belief, and whose name you can give?—A. No, sir.

2266. Q. What countrymen are the men under your charge by birth?—A. A majority are Irish people.

2267. Q. Are they not nearly all Irish by birth?—A. They are.

2268. Q. Do you know of any that are not Irish by birth or the children of those who are Irish by birth?

(Objected to by counsel for contestee as immaterial and as having been answered. Notaries disagree.)

A. I do.

2269. Q. How many?

(Objected to by counsel for contestee as repetition and immaterial. Objection as before.)

2270. Q. You say in your direct examination that a majority of all the voters in the third ward are in the employ of the starch factory or connected in interest with those who are employed in the starch factory. What do you mean by being connected in interest with those employed in the starch factory?—A. It gives many employment outside of the factory, and many old persons' sons work in the factory; some persons' daughters get employment there.

2271. Q. Do you mean to be understood as including under the head of those connected in interest fathers, brothers, and sons, and all the male and female employes of the factory?—A. Yes, sir.

2272. Q. About what number of the voters in your ward work in the starch factory?—A. I don't know.

2273. Q. Give us your best judgment?—A. Something in neighborhood of forty that are voters.

2274. Q. And the remainder of the majority are the relatives of the employes, are they not?—A. Yes, sir.

2275. Q. You say you have attended the polls and peddled Republican tickets every charter and general election since 1874. Have you generally received the same pay from the starch factory for that day, the days of each election, as you did the days that you worked?

(Objected to as immaterial by contestee's counsel.)

A. I get a salary—so much a year.

2276. Q. You are not docked for the days you attend elections?—A. Not generally.

2277. Q. Was you ever docked for absence attending the polls election days?—A. I can't say I never was.

2278. Q. Will you swear you ever was docked for such occasions?—A. I will not.

2279. Q. Did you ever say to men under your charge since you have been general foreman in the starch factory they were at liberty to vote as they chose, without restraint, without fear of being discharged?—A. No, sir; I don't think I did.

2280. Q. Did you ever hear any starch-factory boss or foreman say to his men in substance they were at liberty to vote as they chose, without fear of being discharged?—A. I can't say that I ever did.

2281. Q. Did you ever hear of Mr. Kingsford saying that, or in substance, to the men in his employ, or in the starch factory, to any of his bosses or foremen?—A. Mr. Kingsford said to me he wished his men to vote as they saw fit. Don't know of his saying anything to others.

2282. Q. On what occasion?—A. I think he said that to me in the starch-factory office.

2283. Q. Who else was present?—A. No one as I remember.

2284. Q. Is that all he said?—A. All I remember.

Redirect resumed:

2285. Q. What is the whole number employed in and about the starch factory, according to your best judgment, who are voters?—A. I think about one hundred.

## Recross-examination :

2286. Q. In answer to question 2285, do you mean the starch factory proper or men connected about it?—A. I meant the starch factory proper.

## Redirect resumed :

2287. Q. Does this mean all except the machine-shop and box factory?—A. Yes.

## Recross resumed :

2288. Q. Do you include in these one hundred voters the men employed outside the factory, the teamsters, men drawing grain?—A. I did not.

2289. Q. Did you include men employed—various persons carrying on different branches of work by contract where the starch-factory company furnish material—in and about the factory?—A. I don't know of any contracts outside.

2290. Q. You include what men are at work inside the starch factory?—A. Yes, sir.

2291. Q. And is your estimate a mere rough guess?—A. It is.

## Redirect resumed :

2292. Q. What, in your judgment, is the number of the voters, including all employed in and about the starch-factory premises, except those employed in the machine-shops?—A. I should say 150.

## Recross-examination :

2293. Q. Is your estimate of 150, in answer to question 2292, also a mere rough guess?—A. Yes, sir.

2294. Q. Have you any idea how many voters there are in the box factory?—A. No, sir.

JAMES G. SHARP.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary Public.*

Adjourned by consent of the respective parties until April 9, 1879, at 9½ a. m.

April 9, 1879, at 9½ a. m., met pursuant to adjournment.

*Deposition of C. R. Parkinson.*

CHARLES R. PARKINSON produced and sworn.

2295. Question. What is your age, residence, and occupation?—Answer. Age, forty years; residence, third ward, city of Oswego; occupation, clerk.

2296. Q. Was you a member of the Republican county committee of the county of Oswego for the year 1878?—A. I was.

2297. Q. Of how many did that committee consist?—A. Nine members—three from each assembly district.

2298. Q. And did that committee have the management of the political campaign on the part of the Republicans for the general election of last November, and of the receipt and expenditure of moneys contributed for that purpose?—A. Yes, sir.

2299. Q. And did the three members from each assembly district act

especially as the committee for their district in the management of the campaign?—A. They did.

2300. Q. State whether or not you was the treasurer of the committee for the first assembly district, which includes the city of Oswego.—A. Yes, sir.

2301. Q. And did the money received and expended for that district pass through your hands?—A. Yes, sir.

2302. Q. The first assembly district does include the city of Oswego, does it not?—A. Yes, sir.

2303. Q. Were assessments made by the county committee upon the candidates for office at that election for the expenses of the campaign?—A. Yes.

2304. Q. Were they made by the general county committees or by the district committees?—A. Made by the general committee.

2305. Q. Were any assessments whatever made by the district committees?—A. No, sir.

2306. Q. Who was the treasurer of the general county committee?—A. Captain Huntington, of Mexico.

2307. Q. What amount, if any, was assessed by the county committee of Oswego County to the Hon. Joseph Mason, the Republican candidate for Congress in this Congressional district?—A. Two hundred dollars.

2308. Q. Did he pay that amount; and if so, to whom?—A. He sent his check for that amount to Hon. Charles North, chairman of the county committee, who handed the check to me. I used it up, or part of it, in paying expenses of the campaign in this district. Balance I passed over to Mr. Huntington, the treasurer of the county committee.

2309. Q. The amount, then, in fact, passed to the credit of the general county committee, did it not?—A. Yes, sir.

2310. Q. Was that sum of \$200 the only sum contributed by Mr. Mason to the expenses of the election in Oswego County, so far as you have any knowledge, information, or belief?—A. That was all.

2311. Q. Was any other money contributed or expended by him in this county for election purposes in last fall's political campaign, so far as you have any knowledge, information, or belief in this?—A. No, sir.

2312. Q. For what purposes was the money received by the committee expended?—A. It was expended for the necessary expenses of the campaign, paying expenses of speakers, expenses of public meetings, printing bills, distribution of documents and papers, printing ballots, and providing means for aged and infirm voters to get to the polls.

2313. Q. The ballots for the entire county were printed at the expense of the committee, were they not?—A. Yes, sir.

2314. Q. What was the entire sum received by the county committee?—A. I don't recollect. I think somewhere in the neighborhood of \$1,200.

2315. Q. Was that made up in part by voluntary contributions from individual Republicans as well as assessments?—A. Yes, sir.

2316. Q. Is the amount you have named the amount received by the entire committee?—A. Yes, sir.

2317. Q. Does it include the whole amount expended by the general committee and by the district committees?—A. Yes.

2318. Q. What was the amount expended in printing ballots?—A. About \$125 was the expense of printing and preparing ballots, I think.

2319. Q. The amount intended to be used in getting aged and infirm voters to the polls was given, was it not, to the town and ward committees in the several towns and wards, to be expended by them?—A. It was.

2320. Q. What was the amount contributed in that way to each town and ward committee?—A. Each town and ward committee received twenty-five dollars.

2321. Q. Was the money received by the committee, or any part of it, expended for the benefit of any particular candidate, or was it all expended for the benefit of the whole Republican ticket in nomination at that election?—A. It was all expended for the benefit of the general ticket.

2322. Q. Was any part of the money received by the committee expended, or intended to be expended, in improperly influencing any voter at the polls?

(Objected to by counsel for the contestant on the ground that it calls for the opinion of the witness.)

A. It was not, so far as I have any knowledge, information, and belief.

2323. Q. Was you at the polls any considerable part of the day on election day, and did you also take a considerable interest in the campaign before as well as on election day?—A. Yes, sir.

2324. Q. Could any considerable sum of money have been expended by any particular candidate on the Republican ticket for election purposes in this city or assembly district at or before election day last fall, in your judgment, without the same having come to your notice?—A. I think it could not.

2325. Q. From anything you saw, or heard, or know, do you believe any such expenditure to have been made?—A. No, sir.

2326. Q. Do you understand the practice of both the Democratic and Republican county committees to have been the same in the last campaign and for years past in making assessments on candidates and expending money for the purposes mentioned by you?—A. Yes, sir; I suppose it is the same.

Cross-examined :

2327. Q. You was the treasurer of the Republican district committee for this assembly district, was you not?—A. Yes, sir.

2328. Q. You have no knowledge of what money went into the hands of the treasurer of the Republican county committee for the purposes of last fall's campaign except what passed through your hands?—A. They received more money than passed through my hands. I don't know the amount.

2329. Q. How much did the treasurer of the county committee receive that passed through your hands?—A. About \$300, I think.

2330. Q. When did you pass that money over to the treasurer of the county committee; before or after election?—A. I gave him \$200 before and the balance after election.

2331. Q. Did the money raised out of this assembly district and in the rest of the county of Oswego, any of it, come into your hands?—A. No.

2332. Q. Was all the money, then, that came into your hands for the purposes of that election raised in this assembly district, except \$200 received from Judge Mason?—A. I received a little other money.

2334. Q. What other moneys did you receive?—A. I received \$25 from Captain Tyler, of New York City, which was all the other moneys I received.

2335. Q. Captain Tyler holds an appointment in New York City, does he not, and what appointment?—A. Yes; I think harbor-master.

2336. Q. He formerly lived in Oswego, did he?—A. Yes.

2337. Q. Did he live in Oswego at the time of his appointment?—A. I don't know.

2338. Q. Do you understand he lived in Oswego at the time of his appointment?—A. I think he did.

2339. Q. Did the committee assess him \$25?—A. I don't remember whether he was assessed or it was a contribution.

2340. Q. What is your impression?—A. I think it was a contribution.

2341. Q. Can you tell how much money was received by contributions outside of assessments?—A. No, sir.

2342. Q. What is your best recollection?—A. I can't tell; there may have been \$50.

2343. Q. Do you know how much money was raised for the purposes of last fall's election by the Republican committee or committees in the city of Oswego?—A. I can't tell the amount.

2344. Q. Give the amount as near as you are able.—A. I think nearly \$500.

2345. Q. Do you know how much was expended in the city of Oswego?—A. As near as I recollect, \$400 or \$500.

2346. Q. Does that include the amount paid for tickets for the entire county?—A. Yes, sir.

2347. Q. Are you sure it was not over \$500 spent in the city of Oswego?—A. I don't think there was \$500.

2348. Q. Was it not nearer \$500 than it was \$400?—A. I can't tell.

2349. Q. You heard reports of a large amount of money being expended for the election of Judge Mason before election, did you not?—A. No, sir.

2350. Q. How soon after election did you first hear such reports?—A. I can't tell. It was when I heard Mr. Duffy would contest; can't tell the date.

2351. Q. Can you swear that none of the moneys raised by or for district committee or county committee were expended in paying voters at the polls for their time on day of election?—A. I can't swear; I know of no such instance.

2352. Q. Twenty-five dollars, you say, were paid to the committee of each town and ward. Does that mean each town in the whole county or each town and ward in this assembly district?—A. Each town and ward in this assembly district.

2353. Q. You have no personal knowledge of how much money was paid to each town committee in the other two assembly districts in the county?—A. I have no personal knowledge. The same amount was voted by general committee to each town and ward in the county.

2354. Q. In this assembly district did you disburse the money to the committees of the several towns and wards?—A. I did.

2355. Q. Who did you pay the money to personally?—A. C. D. Millis, chairman ward committee—chairman first ward.

2356. Q. How much did you pay him?—A. Twenty-five dollars.

2357. Q. Who did you pay the money to for each of the other wards, and how much, giving, also, time of payment?—A. I don't know all their names; was paid to the chairman of each ward committee. Third ward, Richard Walpool, \$25; fourth ward, don't know name, \$25; fifth ward, Charles Baker, \$25; sixth ward, don't know name, \$25; seventh ward, Thomas Parker, \$25; eighth ward, don't know name, \$25; second ward, don't know name, \$25.

2358. Q. You are not acquainted with the chairmen of ward committees in the second, fourth, sixth, and eighth wards?—A. I know the men, but can't recall their names.

2359. Q. There are three towns in the district, are there not—Hannibal, Oswego, and Scriba?—A. Yes.

2360. Q. Who did you pay the money to in town of Scriba, and how much did you pay?—A. Twenty-five dollars. Don't recollect the name of the chairman I paid to. Oswego town, I paid the \$25 to Philip Miller; town of Hannibal, I paid \$25 to Dr. Acker.

2361. Q. Personally you know nothing of what was done with the money after it passed into the hands of the chairmen of the town and ward committees?—A. No, sir.

2362. Q. Was any of the money that came into your hands raised from the town of Scriba; and, if so, how much?—A. None that I know of.

2363. Q. Was any raised in town of Oswego; and, if so, how much?—A. I think \$10.

2364. Q. Any raised in town of Hannibal; and, if so, how much?—A. I don't recollect of any.

2365. Q. Any money contributed by the State committee to the Oswego County committee for the purposes of last fall's election that you know of?—A. No.

2366. Q. What candidates were there residing in the city of Oswego at last fall's election on the Republican ticket?—A. George B. Sloan for member of assembly; B. F. Chase for district attorney.

2367. Q. Was the entire amount of money raised in the city of Oswego by assessments raised from those two candidates?—A. No, sir.

2368. Q. Assessments, then, were made upon others who were not candidates, were there not?—A. Yes.

2369. Q. Were assessments made upon all the Republican officeholders residing in the city of Oswego, as you understood it?—A. Yes.

2370. Q. Were those assessments generally paid?—A. Yes.

2371. Q. If Mr. Mason or his friends before the last fall's election had expended money to the amount of \$1,200 or \$1,500 in the city of Oswego by privately employing workers of that class who are accustomed to receive money at elections for their influence and their votes, how would you have known it?—A. I think I should have seen them at the polls working. I did not see any at the first ward polls.

2372. Q. Is that the only way that you would have been likely to have known of it?—A. Yes, sir.

2373. Q. Are you not aware that more effective work at an election can be done by the use of money privately and secretly used away from the polls during the few days previous to the election than can be done by the use of the same amount of money on the day of election and at the polls?—A. I don't know anything about it.

2374. Q. What is your opinion on that question?—A. I have none on the subject.

2375. Q. In your answer to question of contestee whether, if any considerable sum of money had been used at the last election in promoting the election of any one candidate, you would have been likely to have heard of it, do you mean anything more than if such money had been openly expended at the polls on the day of election you would have been likely to have heard of it?—A. I meant that if a considerable sum of money had been sent into this district, the committee would have been likely to have known of it.

(See further question, No. 2533.)

C. R. PARKINSON.

C. O. CASE, *Notary Public*.

D. J. VAN AUKEN, *Associate Notary*.

Adjourned until 2½ p. m.



Met pursuant to adjournment.

DEPOSITION OF WALTER STEBBINS.

WALTER STEBBINS sworn on the part of the contestee and examined.

2376. Question. What is your age, residence, and occupation?—Answer. Age, fifty-two; residence, fourth ward; Oswego City; occupation, machinist.

2377. Q. Where are you employed and how long have you been employed there?—A. Oswego Starch Factory; have been there fourteen years.

2378. Q. Have you been alderman in your ward; and, if so, when?—A. Yes; elected in spring of 1871.

2379. Q. Did you know a man by the name of Lee who formerly lived in the fourth ward, and was employed in the starch factory?—A. Yes.

2380. Q. Do you know his first name?—A. My impression is that his first name is James.

2381. Q. Was he the only man by the name of Lee whom you ever knew living in the fourth ward and who worked in the starch factory?—A. Yes, sir.

2382. Q. Where does he live now?—A. I don't know. I understand that he has moved away from the city.

2383. Q. Do you remember the election two years ago last month when Woodruff was Democratic candidate for alderman?—A. I do.

2384. Q. Was you at the polls distributing Republican tickets on that day?—A. I was.

2385. Q. Did Lee come to you for tickets on that day, and did you give him tickets?—A. Yes, sir.

2386. Q. Where was you standing at the time when you gave him tickets?—A. Outside the door of the engine-house in which the election was held.

2387. Q. How far from the polls?—A. I think between forty and fifty feet; could not say positively. I think at least forty feet; the polls were located in the rear end of the room.

2388. Q. And you was standing upon the platform in front of the entrance?—A. I was.

2389. Q. Then nearly the whole length of the room was between you and the polls?—A. Yes.

2390. Q. When he took the tickets where did he go?—A. He went into the engine-house and towards the polls.

2391. Q. State whether or not there were a considerable number of persons between you and the polls?—A. There were.

2392. Q. From where you stood would it have been possible for you to know whether he voted the tickets you gave him or not?—A. It would not.

2393. Q. Did you make any effort to see what ballots he voted?—A. I did not.

2394. Q. Did it occur to you to make any such effort?—A. No, sir.

2395. Q. Was there any person connected with the starch factory between you and the polls on that occasion?—A. I think not.

2396. Q. Mr. Lee could without any difficulty, could he not, have changed the ballots you gave him, or any other ballots he might have had in his possession, or have taken ballots from persons in the room, without you having known anything about it?—A. Yes, sir.

2397. Q. Did you at the time suppose he voted the ballots he got of you?—A. I had no reason to doubt it.

2393. Q. Was there any other occasion in that ward when he ever got his tickets from you at the polls?—A. I think he did once or twice.

2399. Q. On either of those occasions did you know whether he voted the ballots you gave him or not?—A. I could not say whether he did or not.

2400. Q. On each of those occasions did you suppose him to have voted the tickets you gave him?—A. I did.

2401. Q. On the occasion when Woodruff was running for alderman, or at any other time, did you ever report Lee to Mr. Kingsford or anybody else as not having voted the Republican ticket, or as having voted the Democratic ticket, or as not having voted at all?—A. No, sir.

2402. Q. Was you at the polls at the last November election?—A. Yes, sir.

2403. Q. Did any person who was in the employ of Mr. Kingsford upon the building he was erecting on the corner of West Second and Seneca street come to you for votes on that day so far as you have any knowledge?—A. Not as far as I know.

2404. Q. Do you know a man by the name of Daniel Collins in that ward?—A. I believe I do.

2405. Q. Did he come to you for a vote on that day?—A. Cannot tell; my impression is he did; not positive.

2406. Q. Did you know whether or not he was employed on that building?—A. I think I have seen him there.

2407. Q. Do you know what his politics are?—A. I do not.

2408. Q. Do you know Patrick Hearnerty in that ward?—A. I may know him by sight, not by name.

2409. Q. Then you don't know whether you gave tickets to such a man or not?—A. No, sir.

2410. Q. Do you know any voter in that ward by the name of McCarthy?—A. No, sir.

2411. Q. Was any list or information of any kind given you by any one as to voters living in that ward and who were employed on that building?—A. No, sir.

2412. Q. Was any information given you from any quarter that you was desired or expected to look after the men living in your ward and employed upon that building and to see how they voted?—A. No, sir.

2413. Q. About how many voters living in your ward were employed in the starch factory last November?—A. Four or five.

2414. Q. What was their politics at that time as you understood?—A. Republicans.

2415. Q. When you have been at the polls in your ward, have you ever understood that men employed in the starch factory and living in that ward were expected to come to you to get their ticket?—A. No, sir.

2416. Q. Have you ever understood yourself to have any right to offer a ballot to a person employed in the starch factory more than to any other acquaintance of yours who came to the polls?—A. No, sir.

2417. Q. And did they, so far as you have any knowledge, get their tickets from you more than from any other distributor at the polls, according to their own free will?—A. They acted their own choice; frequently they came with their ballots in their hands.

2418. Q. Have you known during the fourteen years you have been employed at the starch factory any attempt on the part of Mr. Kingsford to interfere with the political actions of persons in his own employ or persons employed in the starch factory?—A. I have not.

2419. Q. Have you ever understood from Mr. Kingsford, or from any one in his employment at the starch factory, that voting the Republican

ticket was a condition of being employed in the starch factory or of being retained in such employment?—A. No, sir; I have not.

2420. Q. You have heard, have you not, of the charges made by Democrats that persons employed in the starch factory were required to vote the Republican ticket, and discharged if they did not so vote?—A. I have.

2421. Q. From your knowledge and observation at the factory, are those charges true or false?—A. False.

2422. Q. About how many voters are employed in the Kingsford iron works at the factory?—A. I should think 15 or 20.

2423. Q. And is that your judgment as to the number employed at the last November election?—A. I think there were twenty-five employed then.

Cross-examination:

2424. Q. How long have you been accustomed to attend the polls on election days and peddle tickets?—A. Since 1866, to the best of my recollection.

2425. Q. Have you during all of that time attended every charter and general election and peddled tickets?—A. I think I have, nearly.

2426. Q. Can you remember any spring, charter, and general fall elections when you did not attend and peddle tickets?—A. One or two elections I did not attend, is my impression.

2427. Q. If there were one or two you did not attend, was it because you were absent from home or sick?—A. My impression is that once or twice I was sick.

2428. Q. If there was more than one occasion of your being absent, what was the occasion of your being absent at another time?—A. I don't recollect.

2429. Q. You have no positive recollection of being absent at any election since 1866?—A. I was sick at one time; could not say as to the other; that is my impression.

2430. Q. Did you not attend the polls and peddle Republican tickets in 1865, at the general election in the fall?—A. Could not state positively.

2431. Q. Did you at the spring election in 1865?—A. No, sir.

2432. Q. Did you attend the polls and peddle Republican tickets at the general election in fall of 1864?—A. I did not.

2433. Q. Had you previous to that time generally attended the polls on election day and peddled Republican tickets?—A. I was not accustomed to do so. I was at the polls part of the day sometimes, but not to peddle tickets.

2434. Q. What was your politics previous to 1864?—A. Republican, and been so ever since the party was formed.

2435. Q. When do you regard that party as having been formed?—A. In 1856.

2436. Q. What was your politics before that?—A. Whig.

2437. Q. When did you commence work in the starch factory for the starch-factory company?—A. In fall of 1865.

2438. Q. Can you tell what time in the fall?—A. Early part of fall.

2439. Q. Before election or after?—A. Before.

2440. Q. What was your business before you went to work in the factory?—A. Machinist.

2441. Q. Where had you been employed from 1856 to time you went to starch factory to work?—A. Employed by George Tallcott and Underhill, and when Mr. Ames bought them out I went to work for Ames, and worked for Ames one year; I was away one year and worked for Ames after.

2442. Q. When you went to the starch factory what kind of work did you go at?—A. General repair.

2443. Q. Did you have any men under your charge when you commenced working at the starch factory?—A. I did.

2444. Q. How many men did you have the first year?—A. Five or six or seven.

2445. Q. Can you tell how many men you had under your charge during the next five years?—A. About the same; sometimes more and sometimes less.

2446. Q. When was the number of men under your charge increased above seven?—A. In spring of 1878, one man more added.

2447. Q. At times during this period have the number of men been increased temporarily from time to time?—A. Yes.

2448. Q. To about what number?—A. Ten men.

2449. Q. You have been to work then in Kingsford's iron works or starch factory or starch-factory company since fall of 1865?—A. Yes; in starch-factory company, but not in the iron works.

2450. Q. And are the men you have under your charge machinists?—A. Not all.

2451. Q. Are they all skilled laborers?—A. Not all.

2452. Q. How many of them?—A. About five or seven.

2453. Q. Have you the same men now under your charge that you had five or six years ago?—A. Not all.

2454. Q. How many under your charge you had five years ago?—A. Four men.

2455. Q. How many have you under your charge you had three years?—A. Seven men.

2456. Q. Is there any one of those men whom you know or whom you have reason to believe, and who you do believe, has for the last three years, either at a spring, charter, or a general election in the fall, voted the Democratic ticket?—A. I don't know. I have no reason to believe that they did.

2457. Q. Did you hear that James Lee did not vote the tickets you gave him on the occasion when Woodruff ran for alderman, referred to in your direct examination?—A. No, sir; I knew nothing about about it until the examination in this contest at the court-house.

2458. Q. Do not the Republican ward committees in your ward usually have a poll-list of the voters in the ward?—A. I know of none except the register.

2459. Q. Do they not have a copy of the register usually on which there is marked opposite each man's name, in pencil or otherwise, some character to show whether he is a Republican or Democrat?—A. Not as I know of.

2460. Q. Have they never had at any general or charter election a poll-list or copy of the register on which there was a mark put opposite each name of the same indicating what the politics was, and one on which was a mark or character opposite the name of each starch-factory name that indicated that he worked in the starch factory?—A. I never seen any such.

2461. Q. Who employs the men under your charge?—A. They are employed at the office.

2462. Q. Does Mr. Kingsford usually make the bargain with the men under your employ?—A. Yes; he does.

2463. Q. How long has Mr. Gwilt been employed in the starch factory?—A. I can't say. He was there when I went there.

2464. Q. Is he an active Republican politician?—A. I presume he votes the Republican ticket; can't say as to his being active.

2465. Q. What position does he hold?—A. General superintendent.

2466. Q. He acts under Mr. Kingsford, does he not?—A. Yes.

2467. Q. You said last fall a number of strangers or persons with whom you were not acquainted applied to you for tickets. Did you not understand at that time they were persons at work in Kingsford's new building on corner of West First and Seneca streets?—A. I did not so understand.

2468. Q. What other persons in the employ of Mr. Kingsford or in that of the Oswego Starch Factory did you see at the polls peddling Republican tickets on election day?—A. A man by the name of Florance Wilcox.

2469. Q. Was he there peddling Republican tickets all or nearly all day?—A. Nearly all day.

2470. Q. Were you at the polls peddling Republican tickets all day on election day at last fall's election?—A. Nearly all day.

2471. Q. Were you there in the morning when the polls opened?—A. I can't say positively. I was there soon after.

2472. Q. What part of the day was you absent from the polls on that day?—A. In the afternoon.

2473. Q. How much of the afternoon?—A. One and one-half hours.

2474. Q. With that exception, were you there all day?—A. I was.

2475. Q. In what capacity was Florance Wilcox employed at the starch factory?—A. Shipping gang.

2476. Q. Is he the foreman of the shipping gang?—A. No.

2477. Q. Does he have any men under his charge?—A. Not as I know of.

2478. Q. Did he and you act in concert at the polls at the last fall's election?—A. No further than to distribute tickets to anybody who came along and wanted tickets.

2479. Q. Did you and he confer together during the day upon one or more occasions?—A. We might; I have no recollection as we consulted together.

2480. Q. Will you swear that you and he did not, during that day, hold several private conversations together?—A. I don't think we did.

2481. Q. Will you swear that you did not hold one or more private conversations together during that day at the polls?—A. According to the best of my recollection, we did not.

2482. Q. Is that the strongest you can put it?—A. Yes.

2483. Q. Your work at the starch factory is in the starch-factory building, doing general repairs of machinery, is it?—A. Yes, sir.

2484. Q. You are brought in constant contact with employes of the starch factory, and have been for 14 years, have you not?—A. Yes, sir.

2485. Q. You have, during all that time, taken a considerable interest in politics, have you not?—A. Yes, sir.

2486. Q. Do you know of a man in the starch factory who has been there for two years, and with whom you have so been in contact, who you know to have voted, or have reason to believe or do believe has voted, the Democratic ticket at any charter or general election for the last five years while he worked in the factory?

(Objected to by counsel for contestee as irrelevant and immaterial.)

A. I do not.

By consent of respective parties, adjourned until April 10, 1879, at 9 a. m.

April 10, 1879, 9 a. m. Met pursuant to adjournment.

Cross-examination of WALTER STEBBINS resumed :

2487. Q. You are also acquainted with the men engaged in the Kingsford Iron Works, likewise box factory and the storehouses connected with starch factory and what is known as the shipping gang?—A. Yes; with some of them.

2488. Q. Among all men in employ of starch factory or of Kingsford Iron Works, do you know of any or one man who you know, or have reason to believe or do believe, has in the last five years voted the Democratic ticket?—A. Yes.

2489. Q. What one?—A. Chauncey Smith.

2490. Q. Is he the only one whom you know or have reason to believe and do believe voted that ticket within the last five years?—A. He is.

2491. Q. How long has he worked in the starch factory company?—A. Five or six years, I think.

2492. Q. In what branch of business has he been employed?—A. Receiving boxes and delivering for packing starch and storing.

2493. Q. He is an old merchant, is he not?—A. I think he was.

2494. Q. Has he charge of any men?—A. I believe not.

2495. Q. You heard rumors, reports, that the employés of the starch-factory company are required to vote the Republican ticket on condition of being retained, before you went to the starch factory to work?—A. It is my impression I did; can't say positively.

2496. Q. The rumor, then, has been current ever since that time, has it not?—A. It has.

2497. Q. Have you ever known of any notice being given, either by open public or by posting notices in or around the starch factory, at or immediately previous to any general or charter election, or at any other time, to the effect that the employés of the starch factory would be permitted to vote as they chose, without fear of being discharged or free from restraint of bosses or foremen?—A. I have never heard or seen any such.

2498. Q. Do the repairs you have charge of extend to anything beyond machinery?—A. Yes, sir.

2499. Q. Do you know the room in starch factory No. 2, on the first floor above the basement, the windows of which open out on to the river, and which has tanks in it?—A. Yes, sir; the room is full size of the building.

2500. Q. Is that what is sometimes called the "canal floor"?—A. Yes.

2501. Q. In this room, starch factory No. 2, called the "canal floor," how many tanks are there?—A. Between fifty and sixty, I think.

2502. Q. Have the tanks that were there in 1868 ever been removed and new ones put in?—A. My impression is they have been.

2503. Q. About when were they removed—the old ones?—A. I think between 1873 and 1874; don't recollect exactly.

2504. Q. Did you assist in their removal?—A. No, sir.

2505. Q. Can you give us the names of any of the men who did assist in removing the tanks?—A. Richard Asletine and Antoine Malone.

2506. Q. Do you know where Malone now lives?—A. I think between Sixth and Seventh streets, on Varick; am not certain.

2507. Q. Do you know where Asletine lives?—A. He lives in the street next south of the starch-factory storehouse; West Niagara, between Second and Third streets.

2508. Q. Do these men now work in the starch factory?—A. They do.

2509. Q. Did these tanks that were in this room in 1868 stand upon the floor of the room?—A. No; they stand on sticks or timbers.

2510. Q. How large are the sticks on which they stood?—A. I think about 6 by 8 inches.

2511. Q. Did the staves of the tanks come down past the upper edge of these timbers?—A. Yes.

2512. Q. Did the bottom of the staves come down to the floor?—A. No.

2513. Q. How near the floor did the bottom of the staves come?—A. About 2½ or 3 inches.

2514. Q. In this respect were these tanks in the same condition from the time you went to the starch factory to work till they were removed?—A. As far as I know.

2515. Q. When did you examine them with reference to the way they were set?—A. At no particular time; that was the usual way.

2516. Q. Do you recollect distinctly about the way those tanks were set, or do you infer they were so set because that was the usual way of setting?—A. It is my impression they were so set; could not say positive.

Redirect examination resumed :

2517. Q. Do you know of a man employed in the starch factory or in the iron-works within the last five years, with the exception of Chauncy Smith, who, from anything said or done by him, you have any reason to believe to be other than a sincere Republican?—A. No, sir; I do not.

2518. Q. The men employed in the starch factory and iron-works are men quite equal in character and standing, are they not, to the skilled laborers in any other branch of industry?—A. I should say they were.

2519. Q. Do you not believe they would resent without any hesitation any attempt to improperly interfere in any manner with their right to the elective franchise?—A. I should presume they would.

2520. Q. Are not the tanks you have referred to constructed now as they were before their renewal in 1873 or 1874?—A. Yes, sir.

2521. Q. And both before and since their renewal were they not so constructed as that a hose could be introduced under the tanks and also a flat broom so as to wash out the space between the bottom of the tanks and the floor to keep it clean?—A. Yes, they were and are; we have killed many a rat under the tanks.

2522. How often do these washings take place?—A. I think, at least once a fortnight; in hot weather once a week.

2523. Q. What is the size of the hose used in their washings?—A. One and one-half inches.

2524. Q. And was this hose introduced under the tanks?—A. Sometimes the nozzle was introduced under the tanks and sometimes the water was spurted under.

2525. Q. Do you not know, then, that before 1873 there were spaces between the bottom of the tanks and the floor where objects two or three inches in thickness could be introduced?—A. Yes, sir.

2526. Q. Are you able now to recall the name of a single person employed in the starch factory besides yourself who you know how he voted, whether Democratic or Republican?—A. I don't know that I could.

Recross-examination resumed :

2527. Q. Have you received pay from the starch factory for the days when you attended the polls and peddled Republican tickets the same as when you were at work in the starch factory during all the time you have been employed there?—A. I have received pay right along; the

rule at the factory is they make no allowance for over-time nor deduct for short time; I suppose I did.

2528. Q. Do you understand that all of the men in employ of this starch factory received pay for their day's work at last fall's election on election day notwithstanding their absence part of the day to vote?—A. I don't know; it is not my understanding; I know nothing about it.

2529. Q. Is it not the general understanding from the men in employ of the starch-factory company and Kingsfords Iron Works that they are not to be docked for the time they are absent from their work while at the polls to vote on election day?—A. Not that I know of.

Redirect resumed:

2530. Q. Is it not the rule at the starch factory, as you understand it, that the regular employes at the starch factory are not allowed for over work when the necessities of the business require over-work and that on the other hand no deduction is made for sickness and for reasonable attendance for a part of a day or a day or more when necessary, or desired for their own affairs?—A. I so understand it to be the rule.

2531. Q. Do you not believe that the employes of the starch factory would feel it an insult for Mr. Kingsford or anybody else to give them notice that they were at liberty to vote as they pleased at public elections, thereby implying that without such notice they might not feel at liberty so to vote?—A. I think they would.

Recross-examination resumed:

2532. Q. Under the rule stated by you in your answer to question 2530, employes of the Starch Factory Company would be entitled to their pay for the full day on each election day, notwithstanding they were absent at the polls peddling Republican tickets or to vote, for the whole day or a part of this day, would they not?—A. I should presume they would.

WALTER STEBBINS.

C. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary Public.*

C. R. PARKINSON recalled for further cross-examination as per agreement at the time his cross-examination was suspended. (See question 2375.)

2533. Q. If a considerable sum of money had been brought into this town and secretly expended in employing workers to work in buying and bargaining for votes during the week previous to election, and you had not received notice of it from other members of your committee, is there any other way that you would have of obtaining knowledge of it?—A. I think I would have known something about it.

2534. Q. In what way would you obtain such knowledge as to money being so used?—A. It would have been by some of the members of the party telling me they had money.

2535. Q. Did any member of the Republican party ever tell you that he had money to use either for bargaining for or buying votes?—A. No, sir.

2536. Q. Did any Republican ever tell you at or about the time of any election that he knew of some other Republican who had money and was using it to buy votes?—A. Not as I remember of.

2537. Q. How much money of the above \$500, raised for last fall's campaign, you have mentioned as being raised in the city of Oswego, was paid by the officers and employes of the custom-house and post-



office?—A. I don't recollect the amount now; about, somewhere near, \$300.

2538. Q. Do you understand that \$25 of the moneys raised by the county committee last fall was paid to the town committee of each town in the county of Oswego outside of this assembly district?—A. I don't know about only this assembly district.

2539. Q. You have said \$25 was appropriated by the county committee, to be paid to each town committee in the county, at the last fall's election; have you any doubt that the same was so paid in every instance?—A. I think it was paid; have no knowledge.

Redirect resumed :

2540. Q. These appropriations were made, were they not, by a meeting of the entire county committee?—A. Yes, sir.

2541. Q. Was Mr. Huntington, the treasurer of the county committee, present at that meeting?—A. He was.

2542. Q. And did he report the whole amount of money received from all sources?—A. He did.

2543. Q. And what was the amount received, according to your best recollection?—A. I think about \$1,200.

2544. Q. Did this sum of \$1,200, or thereabouts, include the \$500, or thereabouts, which had been received in the city?—A. Yes.

2545. Q. Did it also include the \$200 received from Mr. Mason, and the \$25 received from Captain Tyler?—A. It did.

2546. Q. Did it include all the moneys received by the county committee, so far as you have any knowledge, from all sources?—A. It did.

2547. Q. Did the \$400 or \$500 mentioned by you as expended in the city of Oswego include the livery bill and other expenses for speakers who were sent to different parts of the county from the city?—A. Yes, sir.

2548. Q. What was the amount of those livery bills?—A. Fifty or sixty dollars.

2549. Q. What was the amount of the printing bill for printing in the city, paid by the county committee?—A. One hundred and twenty-five dollars, I think, is the whole amount.

Recross resumed :

2550. Q. In your statement of the amount of money raised last fall, is the amount expended and the various items of expense made upon recollection without any reference to accounts made at the time?—A. From recollection.

2551. Q. You did have an account or memorandum which was kept at the time of the transaction, did you not?—A. I did.

2552. Q. What has become of that memorandum?—A. It was kept in a little pass-book; I think it is destroyed; don't know.

2553. Q. Are you sure that the amount raised by the county committee did not exceed \$1,200 by the sum of \$100, \$200, or \$300?—A. It might have exceeded it by that amount.

2554. Q. Have you any doubt but that \$1,200 would cover the amount received?—A. I could not tell. It would not vary a great deal from \$1,200. It may have been more or less; I think it about that amount.

C. R. PARKINSON.

C. O. CASE,

*Notary Public.*

D. J. VAN AUKEN,

*Associate Notary Public.*

Adjourned until 2½ p. m.

Met pursuant to adjournment.

*Deposition of John L. McWhorter.*

JOHN L. MCWHORTER SWORN.

2555. Question. What is your age, residence, and occupation?—Answer. My age is fifty-nine years; residence, city of Oswego, sixth ward; occupation, engaged in insurance business.

2556. Q. How long have you resided in the city of Oswego?—A. Fifty-one years.

2557. Q. What are your politics?—A. What you call a Democrat.

2558. Q. How long have you been a member of the Democratic party?—A. Since I became of age.

2559. Q. Did you vote for Sebastian Duffy for Congress at the last November election in this district?—A. No, sir.

2560. Q. Please state, if you have no objection, your reason for not voting for him.—A. I understood him to represent the Greenback or soft-money interest, so called. I do not believe in that system of finance, therefore I did not support him.

2561. Q. Please state, if you have no objection, for whom, if any one, you did vote for Representative in Congress?—A. I am not positively certain, but I think I voted for Mr. Mason; the poll-list will show.

2562. Q. Did you understand Mr. Mason to be in favor of resumption of specie payments?—A. I did.

2563. Q. Please state whether or not you understood your views with regard to the support of Mr. Duffy to be held by a considerable part of the Democratic party in this city?—A. My views did coincide with the views of many Democrats who were opposed to the Greenback or soft money platform.

2564. Q. Please state whether or not you understand the following to have been the opening sentences adopted by the Democratic New York State convention at Syracuse, September 25, 1878: "The Democratic party of the State of New York reaffirms the following principles set forth in the platform adopted in 1874 and 1877, and endorsed by a large majority of the people of this State: Gold and silver coin and paper convertible into coin at the will of the holder, the only currency of the country. Steady steps towards specie payments; honest payment of the public debt"—A. Yes, sir.

2565. Q. State whether the views there expressed in regard to specie payments and the resumption of specie payments at the time then fixed by law, were the views, as you understood it, of a majority of the leading Democrats in this city?—A. They were.

2566. Q. And did you understand Mr. Duffy's position as declared to be in opposition to those views?—A. I understand he, Duffy, was opposed to the resumption of specie payments and in favor of the Greenback platform.

Cross-examined:

2567. Q. Upon the question of the resumption of specie payments there was but little difference between your views and the Republican party?—A. If the Republicans were in favor of the resumption of specie payment on the 1st day January, 1879, then there was no difference between us, and I understood the Democratic party to occupy the same position.

2568. Q. There were other issues, were there not, between the Democrats and Republicans in this State and in the nation which were con-

sidered by the Democrats in Oswego and throughout the country as being of vital importance?—A. There was.

2569. Q. Did you not understand—was it not understood among the Democrats generally, so far as you know, that upon all these issues between the Republicans and Democrats Mr. Duffy's views were in unison with the Democrats'?—A. I understood he would support the views of the Democrats except on the question of soft-money platform.

2570. Q. Do you believe that any considerable number of intelligent Democrats in this city of Oswego who were in favor of the resumption of specie payments entertained any fear in case Mr. Duffy should be elected, that he with the other Greenbackers that should be elected could prevent the resumption of specie payments so long as both the Republican and Democratic party were in favor of resumption?—A. I am rather of the opinion that the Democrats had no fears. I can only answer for myself.

2571. Q. You had no such fears, did you?—A. No.

2572. Q. How many Democrats did you hear say, after Mr. Duffy was nominated for Congress and before the election, that they would not vote for him?—A. There may have been a dozen or fifteen; I can't remember but one name.

2573. Q. Did you, or did any other leading Democrat, so far as you know, or so far as you are informed and believe, attempt to exercise any influence over Democratic voters at or before the last election to prevent them voting for Duffy on the ground that he was opposed to specie payments, or was there any organized opposition to him in the Democratic party of which you know or are informed and believe?—A. I did not for myself, nor do I know of any such action by any other party. I do not know any organized opposition.

2574. Q. You have been more or less mixed up with the Democratic party in the city of Oswego for the last twenty years?—A. Not for the last ten years.

2575. Q. You have had a general knowledge for the last ten years of politics?—A. Yes.

2576. Q. Has it been the understanding of the Democratic party during the last fifteen years, and has the same been your understanding and belief, that persons in the employ of the Oswego Starch Factory voted the Republican ticket uniformly or nearly uniformly under the fear of being discharged from employment in case they refused to do so?—A. I believe that to be and to have been the feeling of the Democratic party during that period. I had the same general opinion as the rest of the Democrats.

2577. Q. Has your opinion undergone any change in that respect down to the present time?—A. Well, I can't say exactly how I ought to answer that. I have heard persons say they did not think Mr. Kingsford attempted to exercise as much influence over the voters as he formerly did.

2578. Q. Will you swear that your belief or feeling has been changed in that respect?—A. I can't answer that question. I have no knowledge.

Redirect resumed :

2579. Q. Before this contest began did you ever hear any person named as having been discharged from the starch factory for having voted contrary to Mr. Kingsford's wishes?—A. No, sir.

2580. Q. You are personally acquainted with Mr. Thompson Kings.

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ford, and were with his father, Mr. Thomas Kingsford, were you?—A. Yes, sir.

2581. Q. From your acquaintance with those men, or either of them, do you believe that they would discharge a man from employment when no other reason existed than that he had voted for the candidate of a party other than they supported?—A. From my personal knowledge of the Kingsfords, father and son, I should say they would not.

2582. Q. Have you any knowledge whatever as to the truth of the charges made by the Democratic party in this respect?—A. None whatever.

2583. Q. You reside on the opposite side of the river than that on which the starch factory is situated, do you not?—A. Yes, sir.

2584. Q. Have you the means of knowing whether this charge has not originated in an electioneering device to weaken the Republican party by making this charge of intimidation of voters against a prominent member of that party?—A. I have not.

Cross-examined :

2585. Q. When did Thomas Kingsford die?—A. I don't recollect—must be eight or ten years ago.

2586. Q. You are well acquainted with Mr. Thompson Kingsford?—A. Can't say I am well acquainted with—I know him.

2587. Q. Were you as well acquainted with him five years ago as you are now?—A. Yes.

2588. Q. Then, since the death of Thomas Kingsford, and since you became as well acquainted with Thompson Kingsford as you men have been, have you not entertained in common with the rest of the Democratic party in Oswego the opinion and feeling that the starch factory voters are compelled to vote the Republican ticket in fear of being discharged if they did not do so?

(Objected by counsel for contestee on the ground of being immaterial, improper, and incompetent.)

A. I did have the feeling that the starch factory vote was controlled, but how or by whom I can't say.

2589. Q. Have you heard the subject of the starch factory votes being controlled spoken of or discussed among the Republicans?—A. I have, but I can't name them.

2590. Q. From what you have heard said by the Republicans, do you understand that a considerable portion of Republicans and Republican politicians generally in this city have for many years past considered that the starch factory vote was controlled in their favor?

(Objected to by attorney for contestee as being improper and immaterial.)

A. I have heard Republicans say in a general way that the starch factory votes would be taken care of, and that was a good many years ago.

2591. Q. Have you ever been informed by any person or persons that he or they had been discharged from the starch factory on account of their voting?

(Objected to as immaterial by counsel for contestee.)

A. A number of years ago I heard an old man by name of Kelly, or Riley, say he lost his place in the starch factory because he did not vote straight; that was a dozen years ago or more.

2592. Q. Did he say how he did vote?—A. No, he did not.

2593. Q. Did he say how he was required to vote in order to be considered straight?—A. He did not.

Redirect resumed :

2594. Q. Do you know whether the old man was ever employed in the starch factory ?—A. I supposed him to have been employed there a number of years. I had no knowledge on the subject.

2595. Q. Do you understand he was a man who was retained in the starch factory as long as his health would admit ?—A. I think I afterwards met him and he said he was back in the starch factory, in the old place.

2596. Q. At the time when you had this talk with him, when he said he had lost his place, do you know whether he was in his right mind ?—A. No, I do not.

Recross-examination resumed :

2597. Q. Had you at the time this man Riley told you he had been discharged from the starch factory because he did not vote straight, any idea that he was not in his right mind ?—A. No.

Redirect examination resumed :

2598. Q. Did you consider Riley during the latter years when he was in the starch-factory employ able to do an ordinary day's work ?—A. I think not.

2599. Q. Did you understand he was kept there as a kind of pensioner of Mr. Kingsford ?—A. I supposed so, but did not know.

Recross :

2600. Q. Does your remark, the latter years of Kelly or Kiley's work in the starch factory you did not consider him capable of doing a day's work, date to a period subsequent to the time when he told you he had been discharged from the starch factory for not voting straight ?—A. Yes.

JAS. Q. McWHORTER.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary.*

Adjourned by consent of respective parties until April 11, 1879, at 9½ a. m.

April 11, 1879, 9 a. m., met pursuant to adjournment.

By consent of respective parties adjourned until April 12, 1879, at 9 a. m.

April 12, 1879, 9 a. m., met pursuant to adjournment.

*Deposition of Fred. Bennett.*

FRED. BENNETT sworn and examined as a witness on the part of the contestee :

2601. Question. What is your age, residence, and occupation ?—Answer. My age is 42 years; residence, Fulton, Oswego County, New York; occupation, editor of a newspaper, the Fulton Patriot, published at Fulton in this county.

2602. Q. Do you know Sebastian Duffy, the contestant in this contest ?—A. I have met him; have had an introduction to him.

2603. Q. Was you present at a speech made by him in Fulton last fall, before the election ?—A. I was.

2604. Q. State the views expressed by him on the financial question at that time.—A. He said that during the war and close of the war we had prosperous times, plenty of business, plenty of money, plenty of work. That about 1865 the capitalists of the country thought they could make more money by a plan of their own; that they selected delegates for a committee which they sent to Washington to labor with the members of Congress. That this committee by threatening Congress, or by bribing them, induced Congress to issue bonds or favor issuing bonds, that at that time the volume of the currency, the greenback currency, to two thousand millions of dollars. That, induced by the action of this committee, Congress passed acts for the issuing the bonds. That these bonds were sold for this currency, and as fast as the currency was paid in for the bonds the currency was destroyed, and contracted from two thousand millions to six hundred millions. That all Greenbackers asked was that government shall issue this money again, buy up the bonds, destroy them and stop the interest. That both the old parties had sold out to capitalists; that at the close of the war two thousand millions of currency paid no interest. That the bonds which were issued and by means of which the currency was contracted drew interest; that this interest oppressed everybody except capitalists; that it made taxes high, made hard times. What Greenbackers wanted was to stop this interest, to increase the volume of capital, the greenback currency, to what it was at the close of the war. That there was at the time he was speaking money enough to carry on the business of the country; that the money was all tied up in bonds; when this money was set free again and restored to what it was at the close of the war, then we should have good times, plenty of work, plenty of money, and everything of that kind. He also said a government stamp gave money its value; that a piece of paper with the government stamp on it was as valuable as gold with the government stamp upon it; that government owned the property and the lives of the people; that during the war they ordered the draft, and took the men away from their homes and made soldiers of them, and if government had a right to do this they had a right to compel them to take anything they saw fit as money.

2605. Q. State as near as you can what, if anything, he said as to the character of the Democratic party?—A. My impression was he found fault with both the Democratic and Republican parties; that they had both been tried, and both had become corrupt and not fit to have control.

2606. Q. Was this before he was taken up by the Democratic party as a candidate?—A. It was.

2607. Q. Did he make a speech at about the same time, across Oswego River from your place—at Oswego Falls, opposite your place?—A. I understood he did a week or ten days after.

2608. Q. Did you understand that he advanced the same sentiments in that speech?—A. Yes, sir.

2609. Q. Do you understand that a large part of the leading and active Democrats in your village and vicinity were in favor of the resumption of specie payments at the time fixed by law, and opposed to the increase of the volume of the greenback currency?—A. I do.

2610. How did such men regard these speeches of Duffy?—A. They did not regard them very favorably.

2611. Q. Did they oppose his being taken up by the Democratic party?—A. I think his being taken up was a surprise to them; that they knew nothing of it until it was accomplished.

2612. Q. And do you understand that considerable numbers of them refused to vote for Mr. Duffy?—A. Yes, sir.

2613. Q. State what reasons, if any, were given by any of them to you why they would not support him.—A. There were objections to his financial views as expressed in his speeches; one man said he always had been a Jackson man, and always in favor of hard money, and he was not going to stultify himself by going back on his life-long record.

2614. Q. Was you a member of the Oswego County Republican committee last fall?—A. I was.

2615. Q. What did you understand to be the amount of Mr. Mason's contribution to that committee?—A. Two hundred dollars, I think.

2616. Q. Was that an assessment made by the committee?—A. Yes, sir.

2617. Q. With the exception of that sum of \$200 did Mr. Mason send any money into this county to be used for political purposes; for paying for such purposes, or to aid in his election, so far as you have any knowledge, information, or belief?—A. No, sir.

2618. Q. Was any part of the moneys received by the county committee, or used by them, used to improperly influence the vote of any voter at the last November election, so far as you have any knowledge, information, or belief?

(Objected to on the ground that the question is not a proper one—calls for opinion of the witness.)

A. No, sir.

2619. Q. Was any part of this money used to influence the vote of any voter at all except by the distribution of information by speeches, documents, and papers, so far as you have any knowledge, information, or belief?—A. No, sir.

Cross-examination:

2620. Q. How long have you resided at village of Fulton?—A. About a year.

2621. Q. Where did you reside before you went to Fulton?—A. Sodus Centre, Wayne County, New York.

2622. Q. How long had you resided there?—A. About a year and a half.

2623. Q. Where did you reside prior to that time?—A. Geneva.

2624. How long had you resided there?—A. Four or five years.

2625. Q. Did you ever reside at Fulton prior to the time you went there about a year ago?—A. No.

2626. Q. Was you ever acquainted with people or with the politics in that locality prior to that time?—A. Only by reading newspapers.

2627. Q. You had no more acquaintance with the politics in that locality prior to that time than you had with the politics of any other locality?—A. Yes, a little more, as my brother had been there for several years and published a paper, which they sent to me. It was a Republican paper, the same I am now editing.

2628. Q. What knowledge you had of the politics there was derived from that paper, was it not?—A. Yes, sir; mostly.

2629. Q. What time in the spring did you go there to edit the paper?—A. About the 1st of February a year ago.

2630. Q. What was the date of the speech made by Mr. Duffy, and of which you have spoken?—A. About two months before election; might have been nearer than that.

2631. Q. Did he say at that time, in that speech, that in 1865 there were two thousand millions greenback currency in circulation, or did he

only say that in 1865, or at the close of the war, there were about two thousand millions of paper currency of money in circulation, including greenback and such other government paper as passed current in the transaction of business and the national-bank currency, and also including the national fractional currency?—A. I think he used the term at the close of the war that there were two thousand millions of greenback currency in circulation, and he did not include the national-bank and fractional currency in that amount.

2632. Q. Did he say in that speech that in that amount he did not include the national and fractional currency?—A. He did not say it in words, but did say it in effect.

2633. Q. Did you hear him say anything of the national-bank and fractional currency in that speech?—A. I think he made some reference to the national banks, but not in connection with this.

2634. Q. Did Duffy in that speech claim that the amount of the currency, including the national-bank currency and the fractional currency, was in excess of the two thousand million dollars?—A. He claimed that the greenback currency alone was two thousand million dollars at the close of the war; he also added the greenback currency and national bank and fractional currency together, and said what they would amount to; he did not say what the three together amounted to.

2635. Q. Did he state what the amount of the national-bank currency was at the close of the war, or rather in the year 1865?—A. I rather think he did.

2636. Q. How much did he state the national-bank currency was at that time?—A. I don't recollect that he did.

2637. Q. You knew at that time about what the amount of the national-bank currency was at the close of the war or in 1865?—A. I can't approximate; can't tell anything near the amount.

2638. Q. About what was the amount?—A. I can't tell.

2639. Q. You was, at that time, at the village of Fulton editing a Republican paper?—A. I was.

2640. Q. Did you write and publish an article in your next issue of your paper commenting on Mr. Duffy's speech?—A. I did.

2641. Q. Did you in that article accuse Mr. Duffy of having inserted in his speech that the paper currency of the country at the close of the war, or in 1865, consisted of two thousand millions of greenbacks; that the national-bank currency and fractional currency in addition thereto, or anything to that effect?—A. I may have done so; don't remember.

2642. Q. Do you think you would have done so if he had made such assertion in his speech, or if his whole speech, taken together, had borne that construction?—A. I should.

2643. Q. Your paper is a weekly paper; was at that time, was it not?—A. Yes, sir.

2644. Q. Did you publish more than one article commenting upon this speech of Mr. Duffy?—A. I presume I did; I have no recollection about it.

2645. Q. Did you write more than one article commenting upon his assertion that there was two thousand millions of greenbacks exclusive of the national-bank and fractional currency?—A. I may have alluded to it in other articles; did not write but one review of the speech.

2646. Q. Can you produce a copy of that review?—A. I presume I can

2647. Q. Have you one with you?—A. No, sir.

2648. Q. Will you give us the date of the paper in which it was published?—A. No; I cannot.

2649. Q. Can you procure such copy so it can be put in evidence with your testimony in this case?—A. I presume I could.



2650. Q. How large an attendance was there at such meeting?—A. I think 200, probably, were there.

2651. Q. Is there—was there at that time a Greenback paper published in your place?—A. Yes; I suppose so. It claimed to be independent.

2652. Q. Was the editor of that paper elected a member of assembly last fall?—A. Yes.

2653. Q. Was he first nominated by the Greenbackers at the Greenback district convention and afterwards indorsed by the Democrats?—A. Not that I am aware of.

2654. Q. Are you not aware that he was nominated by the Greenback convention?—A. I so understood he was.

2655. Q. Did he get a majority of the votes in the village of Fulton; and, if so, by what majority?—A. My impression is he did not; he had a plurality over each of the candidates, but not a majority over both of them.

2656. Q. Who were the candidates against him?—A. Frank Baker was the Democratic candidate and Oliver Breed was the Republican.

2657. Q. Who do you regard as the leading Democratic politicians in the village of Fulton?—A. I suppose Geo. Kellogg, Mr. Howe, Abram S. Howe, Willard Johnson, Willis Nye, Dr. Bacon, Mr. Degraw, Mr. Sands N. Kinyon, W. D. Patterson; don't know as I can recall any more now who would hardly be called leading Democrats.

2658. Q. Do you exclude from this list all the former leading Democrats who have recently been what you consider more or less tainted with Greenback proclivities?—A. I do not include any Democrats in this list that are tainted with Greenback proclivities.

2659. Q. There are a considerable number of former leading Democrats who still adhere to the doctrines of the Democratic party on other questions whom you regard as tainted with Greenback proclivities, are there not?—A. I have no evidence that they adhere to the Democratic principles; they opposed the Democrats at last fall's and this spring's elections.

2660. Q. What leading Democrats did you hear say they would not support Mr. Duffy?—A. I don't want to give names; I don't know as they would like to have me.

2661. Q. How many leading Democrats, or Democrats known to you to be such, can you swear that you heard say that they would not support Mr. Duffy at the last fall's election?—A. I can't tell.

2662. Q. Give an estimate of the number as near as you can.—A. I should think half a dozen or so.

2663. Q. Did you hear them say this before or after Duffy's nomination by the Democratic convention?—A. After.

2664. Q. Did you hear any of those men say they should vote for Mr. Mason?—A. I don't think I did.

2665. Q. How long before the election was the last time that you heard any leading Democrats which you have refused, say that they would not vote for Mr. Duffy?—A. On election morning, one of them.

2666. Q. Did you hear any man on election morning say so?—A. I don't think I did.

2667. Q. Who was that man?—A. I decline to answer.

2668. Q. Where was he when he said that?—A. At my office.

2669. Q. Was you at the polls on the day of election?—A. Part of the time; I was there back and forth a number of times; I did not stay there.

2670. Q. What part of the day were you at the polls?—A. I would go there and stay perhaps half an hour and then would go back to my office; I continued this course during most of the election day.

2671. Q. How many different times did you go back and forth from your office to the polls on that day?—A. Perhaps six or eight times.

2672. Q. You were watching the progress of the election, were you not?—A. Yes.

2673. Q. Did you hear any other Democrat, whom you could mention, during that day say he had not or would not vote for Mr. Duffy?—A. I don't know as I did.

2674. Q. Did you on that day hear any Democrat trying to persuade any person or persons not to vote for Mr. Duffy, or to vote for Mr. Mason?—A. I don't know about that.

2675. Q. Did you prior to election hear any Democrats electioneering or trying to keep Democrats from voting for Mr. Duffy, and to have them vote for Mr. Mason?

2676. Q. How long before the election was it that you last heard any Democrat say he would not vote for Mr. Duffy that you now remember, exclusive of the man who told you so on the day of election?—A. I could not say; there was more or less conversation about it from the time he was nominated until the day of election.

2677. Q. Will you swear that any Democrat told you or said in your presence in any conversation which you now recollect, within one week before the day of election, that he would not vote for Duffy, or words to that effect?—A. I cannot swear; I presume they did; can't fix any definite time.

2678. Q. Was the man who told you he had been a Jackson man and always in favor of hard money and would not stultify himself by going back on his record, the same man who told you, at your office on the morning of election, he should not vote for Mr. Duffy?—A. He was not.

2679. Q. How long before the day of election was the conversation referred to between you and the man who said he was a Jackson man?—A. Can't tell; a week or ten days, I think.

2680. Q. Can you give us the vote in your village which was received by Mr. Duffy and that received by Mr. Mason?—A. I cannot.

2681. Q. Which got the majority?—A. I think Mr. Mason; don't recollect.

2682. Q. What election district in the town of Volney is the village of Fulton in?—A. There are three districts in the town and two of these are in the village.

2683. Q. Which two by their numbers have their polling places in the village of Fulton?—A. I don't know.

2684. Q. Were the Democrats whom you have spoken of as having said in your presence that they would not vote for Duffy, or words to that effect, all of them residents of the village of Fulton?—A. I think all of them were.

Adjourned until 1½ p. m.

Met pursuant to adjournment. Present, Notary Case.

Cross-examination of FRED. BENNETT continued:

2685. Q. Did any of these men you have named as being leading Democrats in the village of Fulton say to you they would not support Mr. Duffy?—A. I had rather not answer that; I decline to answer.

2686. Q. Is there any one Democrat whom you can now remember as having told you he would not support Mr. Duffy outside of and excepting those whose names you have given as leading Democrats?—A. I decline to answer, as it is of the same effect and offered for the same purpose as the previous question.

2687. Q. Was not the conversation to which you have referred, of the Democrats, in effect as to Mr. Duffy on account of his Greenback proclivities as a rule general in his character as well to other Greenback candidates having been indorsed by the Democrats as well as to Mr. Duffy?—A. No, sir.

2688. Q. As far as you know, were the Democrats in your village contented to support such other Greenback candidates as the Democrats in their convention had seen fit to indorse, with the exception of Mr. Duffy?—A. I don't know as I ever heard any expression as to any of them except Mr. Duffy.

2689. Q. Did you not understand, from talk in the community in your village, or did you not hear that there was an arrangement between some of the friends of Mr. Mason and some of the friends of Mr. Williams, the Greenback candidate for member of assembly, or some of the opponents of the Democratic candidates, that they and the friends of both should support Mr. Mason for member of Congress and Mr. Williams for member of assembly?—A. No, sir.

2690. Q. Have you never understood, either before or since the election, from parties residing in the village of Fulton, that Mr. Duffy either was to be or had been traded off for votes for Mr. Williams by some Democrats and Republican politicians?—A. I don't recollect anything of that kind.

2691. Q. Did you not hear or have you not heard, either before or since election, Mr. Nelson, Mr. Kellogg, or one of them, supported, aided in the election of Mr. Williams for assembly?—A. I never heard Mr. Kellogg did; I have heard Mr. Nelson did, and think he did, because Nelson was a Greenbacker and supported the entire Greenback ticket.

2692. Q. Do you understand that Willis S. Nelson supported Mr. Duffy for Congress?—A. I do.

2693. Q. Were you a member of the town committee of your town of Volney last fall?—A. No, sir.

2694. Q. Do you understand that the Greenbackers carried the Fulton charter election in the spring of 1878, and elected their ticket?—A. I do.

2695. Q. Whom did they elect?—A. Capt. Joel S. Palmer.

2696. Q. Do you know what the entire vote of Fulton is?—A. I do not.

2697. Q. Do you know what the population is?—A. No.

2698. Q. Can you approximate to the vote or population?—A. No, I don't think I can; I can guess at it.

2699. Q. Give, as nearly as you can, the population and the vote.—A. Population near 5,000, the vote 1,400.

2700. Q. Give, as near as you can, the entire population of Volney and the entire vote of the town?—A. I don't know anything about it; I can't.

2701. Q. Do you know what the vote was in the district when you voted as between Mr. Dowdle, the Greenback and Democratic candidate for county treasurer, and Mr. Stone, Republican candidate for county treasurer?—A. No, sir.

2703. Q. Did you hear at or about the time of the election \$100 had been sent any person or persons from Oswego to your village or its immediate vicinity to aid in the election of candidate or candidates on the ticket at last election?—A. I saw by the testimony of Mr. Mott that he sent \$100 into the district to aid in the election of Mr. Breed. I think I heard something about it at the time, but don't recollect the foundation. I have an indistinct recollection of hearing of it at the time.

2704. Q. Whom did you understand this money was sent to?—A. I do not know.

2705. Q. Do you know anything as to what use was made of it?—A. No.

2706. Q. Have you not heard into whose hands that money went?—A. Only what by Mr. Mott's testimony, and I don't recollect what he said about it.

2707. Q. Do you know anything of what was done with the \$25 paid by the county Republican committee to the town committee of Volney?—A. I do not.

2708. Q. Can you give the names of the Democrats who were present and heard the speech made by Mr. Duffy in your village to which you refer?—A. No.

2709. Q. Can you give the names of some of the leading Greenbackers who were present at that meeting?—A. No.

2710. Q. Who was the chairman of the meeting?—A. I don't recollect.

2711. Q. Who was the secretary?—A. Don't know.

2712. Q. What Republicans were there besides yourself?—A. Don't recollect.

2713. Q. Can you recollect of any other person who was present there except yourself and Mr. Duffy?—A. Don't know as I can. Mr. Shea, another Greenback speaker, was there.

2714. Q. Did Mr. Duffy make more than one speech in your village during the campaign and before he was nominated by the Democrats?—A. Not that I am aware of.

2715. Q. You would have been likely to have heard if he had made another speech, would you not?—A. I think I should.

2716. Q. In what hall was this speech delivered?—A. Salmon Hall then, now called Nichols Hall.

2717. Q. Did you hear of any organized opposition to Mr. Duffy in the Democratic party in your assembly district?—A. No, sir.

FRED. BENNETT.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary Public.*

*Deposition of Joel S. Palmer.*

JOEL S. PALMER, sworn as a witness on the part of the contestee and examined.

2718. Question. What is your age, residence, and occupation?—Answer. Age, forty-nine years; residence, Fulton, N. Y.; occupation, blacksmith.

2719. Q. Did you hear either of the speeches made by Duffy at Fulton or Oswego Falls last fall?—A. I was present at the speech in Fulton not more than five minutes; was not present at the speech of Oswego Falls.

2720. Q. Did you hear Democrats speak of the manner in which Mr. Duffy had spoken of the Democratic party in either or both of those speeches; and, if so, what did they say?—A. I have no distinct recollection of what any particular person said in regard to what he said about the Democratic party. It was talked about since. They said Duffy said the Democratic party was made up of the scum of the country, and that the Republicans were about as bad—no integrity left in either of those parties, and therefore he had no place to go to only into the Greenback party.

2721. Q. State whether you heard Democrats either before or on the day of election express their intention not to vote for Mr. Duffy.—A. I did, on the day of election, and I think before.

2722. Q. Was Mr. Duffy behind the Democratic State ticket at the close of the polls in your town; and, if so, how much?—A. If I remember rightly, the number was forty-eight behind the State ticket.

Cross-examination :

2723. Q. How long have you lived in Fulton?—A. Since 19th January, 1862.

2724. Q. What is your politics at the present time?—A. Republican.

2725. Q. Were you ever a Greenbacker?—A. Yes, sir.

2726. Q. You were elected, were you not, a year ago this spring to the office of president of the village of Fulton?—A. Yes, sir.

2727. Q. How long is that term of office?—A. One year.

2728. Q. Did you adopt the Greenback theories at the time you went into the Greenback party?—A. I did.

2729. Q. When was it that you went into the Greenback party?—A. I think in February, 1878.

2730. Q. You were elected president in March, 1878, were you?—A. Yes.

2731. Q. Did you advocate the Greenback doctrine till the fall of 1878?—A. Yes.

2732. Q. To what time in the fall?—A. September, 1878.

2733. Q. Did you attend the Greenback caucus in your town or district for the fall election?—A. I did.

2734. Q. Did you attend the Greenback-Democratic convention which nominated the Greenback county ticket last fall?—A. I did.

2735. Q. Did you act as one of the delegates to that convention?—A. Yes.

2736. Q. Were you one of the Greenback delegates to the Greenback assembly district convention?—A. No, sir.

2737. Q. You advocated the election of the Greenback ticket for a time after it was nominated, including Mr. Williams, did you not?—A. I did, excepting Mr. Williams.

2738. Q. About what time did you cease to advocate the election of the Greenback county ticket?—A. I think some time in the month of September, '78.

2739. Q. How long after you had ceased such advocacy of the Greenback ticket was it that you appeared in Republican meetings and announced your conversion back to Republican doctrine?—A. About a month, I guess.

2740. Q. Were you a candidate in Republican convention in 1875 for their nomination for candidate for sheriff of county of Oswego?—A. No, sir.

2741. Q. Did you not try to procure that nomination in 1875?—A. No, sir.

2742. Q. Did you not try to procure the Republican nomination for sheriff at the last election of sheriff in the county of Oswego prior to 1878?—A. No, sir.

2743. Q. Did you not at some time try to procure Republican nomination for the office of sheriff of Oswego County?—A. Yes.

2744. Q. When was it?—A. In 1872, I think.

2745. Q. You did not procure the nomination, did you?—A. No.

2746. Q. In what respect had you changed your mind in relation to

questions of State or national politics—of political economy—between the time when you had ceased to advocate the doctrine of the Greenback party and the time you announced your reconversion to Republican faith?—A. I decline to answer the question.

2747. Q. After you went back to the Republican party did you continue to advocate the election of the Greenback candidate for sheriff?—A. I did.

2748. Q. You say that after Mr. Duffy made his speech in your village you heard dissatisfaction expressed by Democrats. Can you give the names of any of the Democrats that you heard express such dissatisfaction, or any of them?—A. No, sir.

2749. Q. Can you not recollect the name of one Democrat that you heard express such dissatisfaction or make any complaint in regard to Duffy's speech?—A. I cannot.

2750. Q. Will you swear that you heard any Democrat say that Duffy made out that the Democrats were the scum of the earth, or anything to that effect?—A. Yes, sir; I will.

2751. Q. Can you name any one you heard say that, or anything to that effect, or give any description of him, or state his employment, or place of residence, or his relationship to any one, so he can be identified?—A. I decline to answer that question.

2752. Q. Can you state the presence of any other person who heard any Democrat make any such remark?—A. I decline to answer that question.

2753. Q. What vote did Mr. Duffy get in the town of Volney?—A. Can't tell.

2754. Q. Can you give the number of votes that either Mason or Duffy got in the town of Volney?—A. I cannot.

2755. Q. Do you swear Mr. Duffy ran behind the Democratic State ticket in the town of Volney?—A. I swear, sir, that the supervisors' report of the votes makes out that he ran behind the State ticket.

2756. Q. What do you mean by the Democratic State ticket?—A. I mean the man that headed the State ticket.

2757. Q. For what office was he running?—A. Candidate for judge of the court of appeals, Mr. Bradley, I think.

2758. Q. Then what you mean to swear is that Mr. Duffy, according to the report of the board of supervisors, did not receive as many votes as Mr. Bradley, candidate for the judge of the court of appeals?—A. No, sir; he (Duffy) was running on the Democratic and Greenback ticket; take the candidates for both parties, the Democratic and Greenback parties, and he ran behind.

2759. Q. What was the vote in the town of Volney last fall?—A. I think somewhere near 1,400; can't call to mind in the three districts.

2760. Q. Which of the two candidates carried that town, Mr. Duffy or Mr. Mason?—A. I can't tell you.

2761. Q. Can you tell which of the two carried that assembly district?—A. No.

2762. Q. You say you heard Democrats on the day of election express their determination not to vote for Mr. Duffy; who were they?—A. Yes; George Kellogg was one.

2763. Q. Can you give the name of any other?—A. I decline to give any more names.

2764. Q. Could you give any other names if you were so disposed?—A. Not positively.

2765. Q. Will you swear that you heard any Democrat or Democrats

say before the day of election they should not vote for Mr. Duffy ?—A. I decline to answer that question.

2766. Q. Upon what ground did Mr. Kellogg say he should not vote for Mr. Duffy ?—A. I don't remember that he gave his reasons.

2767. Q. Did Mr. Kellogg say he should vote for Mr. Mason ?—A. Yes.

2768. Q. Do you know whether he did or not vote for Mason ?—A. No.

2769. Q. Was Mr. Kellogg talked of before the nomination of Duffy as the probable Democratic candidate for member of Congress for this district ?—A. I have an impression that he was.

2770. Q. You heard that talk, did you not, in the village of Fulton by leading Democrats ?—A. I could not swear that I ever heard a Democrat say anything about it.

2771. Q. Did you not hear persons you believed to be Democrats talk of it ?—A. I can't swear that I did. I have an impression.

2772. Q. How many men known to you to be Democrats will you swear that you heard say on the day of election, or prior to that time, that they should not vote for Mr. Duffy or that they had voted and did not vote for him ?—A. One.

2773. Q. And that one is Mr. Kellogg ?—A. Yes, sir.

2774. Q. Was it not a well-known fact at last fall's election that Mr. Geo. F. Danforth, Republican candidate for judge of court of appeals, was a man of superior qualities—of very great personal popularity ?—A. I can't tell what other people know.

2775. Q. Are you not aware Mr. Danforth ran largely ahead of the average of the Republican candidates on the county ticket in your town ?—A. No; I am not aware of it. I don't remember.

J. S. PALMER.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary Public.*

*Deposition of George Kellogg.*

GEORGE KELLOGG called and sworn.

(Objection is made by counsel for contestant on the ground that no notice had been served.)

2776. Question. What is your age, residence, and occupation ?—Answer. Age, forty-one years; residence, Fulton; occupation, banker.

2777. Q. How long have you resided in Fulton ?—A. Twelve years this summer.

2778. Q. To what political party do you belong ?—A. The organization I belong to is the Democratic.

2779. Q. Did a large part of the leading Democrats of Fulton last fall favor the resumption of specie payments and oppose the Greenback financial views ?—A. I can't say what portion; for myself, I can say I was.

2780. Q. Did you hear either the speeches made by Duffy at Fulton or Oswego Falls ?—A. No, sir.

2781. Q. Can you say what effect was produced on the minds of the Democrats by those speeches ?—A. I cannot.

2782. Q. Was the acceptance of Mr. Duffy for Congress favored by the leading Democrats of Fulton ?—A. It was not by me. I cannot speak for others only by hearsay, and that I do not choose to do.

2783. Q. Did you vote for Mr. Duffy ?—A. No, sir.

2784. Q. Did you vote for Mr. Mason ?—A. Yes, sir.

2785. Q. Were you at the polls on election day ; and, if so, what part of the day ?—A. I was in and about the polls most of the day.

2786. Q. And did you use your influence, both before and on the day of election, against Mr. Duffy ?—A. Yes, sir.

2787. Q. And was his unsoundness on the financial questions what led you to take that course ?—A. I voted against him because he was a Greenbacker.

2788. Q. And did you regard the financial question the most important question that was at issue at last fall's election ?—A. Yes, sir.

2789. Q. From what you heard and saw before and on the day of election, were there other Democrats besides yourself who did not vote for Mr. Duffy ?—A. Yes.

Cross-examination :

2790. Q. Upon the Greenback question and resumption of specie payment you regarded the Republicans and Democrats as being equal, did you ?—A. Substantially.

2791. Q. Had you any fears that if Mr. Duffy was elected he and such other Greenbackers as would be elected in the present Congress would be able to prevent the resumption of specie payments, so long as the Democrats and Republicans united on that question and in favor of resumption ?—A. I had no such thoughts ; did not think anything about it.

2792. Q. Did you vote for Mr. Dowdle for county treasurer ?—A. I did not vote for him.

2793. Q. Did you vote against him ?—A. Yes ; I voted for Mr. Stone.

2794. Q. Did you also use your influence against Mr. Dowdle as well as Mr. Duffy ?—A. I paid no attention to Mr. Dowdle and nothing else, except Mr. Mason.

2795. Q. Did you not vote for Mr. Williams, Greenback candidate for member of assembly ?—A. No.

2796. Q. Did you not use your influence to procure others to vote for Mr. Williams ?—A. No.

2797. Q. Which election district did you attend the polls at ?—A. The first most of the time, and in the second some of the time.

2798. Q. In which district did you vote ?—A. First.

2799. Q. Is that the district included in the northwest part of the town of Volney, or south and west part ?—A. South and west part.

2800. Q. Which district were your labors mostly expended in trying to induce Democrats not to vote for Duffy or to vote for Mason ?—A. First.

2801. Q. Did you attempt to influence Democrats in the second district ?—A. Yes ; I asked them to vote for Mason.

2802. Q. Will you give the names of any Democrats in the second district you asked to vote for Mr. Mason or not to vote for Mr. Duffy ?—A. No.

2803. Q. Could you do so if you chose to ?—A. I decline to answer the question.

2804. Q. Can you tell how many Democrats you tried to influence in the second district in that respect ?—A. No.

2805. Q. Do you know how many of them did vote for Mr. Mason, or whether any of them did not vote for Mr. Duffy ?—A. No.

2806. Q. Will you give us the names of any of the Democrats in district No. 1 of your town that you requested and tried to get to vote for Mr. Mason or not to vote for Mr. Duffy ?—A. No.



2807. Q. Could you give us the names of any such Democrats if you chose to do so?—A. I decline to answer the question.

2808. Q. Will you give us the number of Democrats residing in district No. 1 that you tried to influence not to vote for Mr. Duffy?—A. No.

2809. Q. Could you give us the number if you chose to do so?—A. I decline to answer.

2810. Q. Do you know if any of them did vote for Mason or did not vote for Duffy?—A. No, sir.

2811. Q. Did you attempt to use your influence or ask any person out of district No. 1 and No. 2 in the town of Volney to vote for Mr. Mason or not to vote for Mr. Duffy?—A. I don't recollect of any.

2812. Q. What special reason had you to work for Mr. Mason and against Mr. Duffy that you did not for Mr. Dowdle?—A. For the reason I thought I could do more working for one man than I could for several.

2813. Q. Why did you select Mr. Mason instead of Mr. Stone to work for?—A. Because he was to go to Washington to help make the laws.

2814. Q. Your efforts in favor of Mason and against Duffy were chiefly made in the first election district in the town of Volney?—A. Yes.

2815. Q. Can you tell what the number of the votes given to Mr. Duffy and Mr. Mason in that district?—A. No, sir.

GEO. KELLOGG.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary Public.*

By consent of respective parties, adjourned until April 14, 1879, at 10 a. m.

April 14, 1879, 10 a. m., met pursuant to adjournment.

On application of John C. Churchill adjourned until 2 p. m., April 14, 1879.

Met pursuant to adjournment.

*Deposition of D. E. Taylor.*

DANIEL E. TAYLOR SWORN.

2817. Question. What is your age, residence, and occupation?—Answer. My age is thirty-three years; residence, city of Oswego; occupation, county clerk of Oswego County.

2818. Q. In what year was you elected county clerk?—A. In 1876.

2819. Q. Did you make a canvass of the county that fall and become familiar with the politics of the different towns of the county at that time?—A. Yes, sir.

2820. Q. In what year did the Greenback party first make county and State nominations that were first voted for in this county?—A. In 1878.

2821. Q. Were the votes given for the Greenback candidates drawn from one or from both of the leading political parties in this county, to wit, the Republican and Democratic?—A. From both parties.

2822. Q. And were they drawn substantially equally from the two parties throughout the county, or in some towns more from one and in other towns more from the other?—A. They varied in localities; in some towns they were drawn more from the Republican party and in other towns more from the Democratic party. In the city of Oswego they were drawn mostly from the Democratic party; in some towns in the county more from the Republican party.

2823. Q. As county clerk, are you clerk of the board of supervisors when acting as a board of canvassers of the votes cast at the fall general election in this county?—A. I acted as secretary of the board of supervisors to canvass all the votes cast at the general election for both county and State offices.

2824. Copy of official canvass for the general fall election for November, 1877, shown witness, and asked if that was true copy of said canvass? Witness says it is, and then same is offered in evidence and marked No. 1, April 14, 1879.

(Objected to by attorney for contestant.)

2825. Q. State whether or not on that paper the statement of votes given for different individuals, whether this first column after the column giving the whole number of votes cast is the vote for the Republican candidates, the second column the vote for the Democratic candidates, the third column for the Temperance candidate, and the fourth column the votes cast for the Workingman's party.—A. Yes, sir.

2826. Q. State whether the paper now shown you contains the canvass of the votes cast at the last November election in the fall of 1878.—A. It is, as printed by the board of supervisors at their last annual meeting.

2827. Q. That board of supervisors is the same board, is it not, as acted as the board of canvassers at that election?—A. Yes, sir.

2828. Q. State whether or not in that paper, after the column giving the whole number of votes cast, the first column gives the vote for the candidate of the Republican party, the second the vote given for the Democratic party, the third column the vote given for the Greenback party, and the fourth column the vote given for the Temperance party.—A. Yes; with the exception of the columns giving the votes for the

Democratic candidates for Congress and county treasurer. Those two columns contain the vote of the Democratic and Greenback parties united, as they both had the same candidates for those two offices.

2829. Q. Did your official duties as county clerk during the last fall bring you in daily contact with men from different parts of the county and with all political parties?—A. Yes, sir.

2830. Q. State what the feeling was among Democrats who were in favor of the resumption of specie payments with respect to the adoption by the Democratic party of Mr. Duffy as a candidate.—A. I did not hear the matter discussed very much. What I did hear I gathered that they were opposed to his being adopted.

2831. Q. From what you heard said by Democrats, both before and after the election, state whether or not the Democrats of that class or any considerable portion of them refused to support him at the polls.—A. I should judge they did not.

Cross-examination:

2832. Q. What hard-money Democrats did you hear say they would not support Mr. Duffy for member of Congress at the last fall election, or anything to that effect?—A. I can't now name them. I heard discussions in the office.

2833. Q. What hard-money Democrats did you hear say after election they had not voted for Mr. Duffy for Congress, or anything to that effect?—A. I don't know of any one I heard say so.

2834. Q. Can you tell about how many hard Democrats you heard say before election they would not support Mr. Duffy for Congress, or words to that effect?—A. I cannot.

2835. Q. Are you entirely sure in your own mind that the impression you have got that the hard-money Democrats would not or had not supported Mr. Duffy was not mainly derived from remarks from Republicans that you heard say that they, the hard-money Democrats, would not support Mr. Duffy?—A. The impression was derived from what I heard from both parties.

2836. Q. How do you arrive at the conclusion that the Greenback party drew more from the Democrats in the city of Oswego than from the Republicans?—A. From the official canvass and from men whom I knew had been identified with the Democratic party and from observation.

2837. Q. Is it not derived mainly from what you have heard said?—A. No, sir; I don't think it is.

2838. Q. Is it not derived partially from what you have heard said?—A. No; I don't think it was. I had a Greenbacker in my office, and others visited him, and I had a good chance to observe.

2839. Q. Who was the Greenbacker?—A. J. W. Pentelow, my deputy clerk.

2840. Q. He was a Republican before he was a Greenbacker, was he not?—A. Yes, sir.

2841. Q. What Greenbackers known to you to have been Democrats prior to the formation of the Greenback party did you see at your office visiting Mr. Pentelow?—A. Dock Low, recent Democratic sheriff of this county; a man by name of Shehan, who was formerly a Democrat, and John Newton. I think Sherman Clark, jr. There were from two to four during the canvass, and a dozen a day that had been Democrats there, whom I can't call by name, previous to the convention, whom I had known as being identified with the Democratic party.

(The last part of witness's answer objected to by the counsel for contestant as not being responsive to the question, and asked that that part of "from two to four and a dozen a day" and rest of the answer be stricken out. Counsel for contestee opposed being stricken out. Notaries disagree.)

2842. Q. Can you give the name of any men except those you have already given?—A. I can't recall them.

2843. Q. Mr. Low resided in the town of Richland, did he not?—A. Yes, sir.

2844. Q. Sherman Clark, jr., was jailer under Mr. Lin, was he not, and resided also in Richland before he became jailer, did he not?—A. Yes, sir.

2845. Q. The jail of which he had charge was in Oswego City, was it not?—A. It was.

2846. Q. When did his term expire as jailer?—A. December 31, 1878.

2847. Q. He removed back to the town of Richland, did he not, immediately after the expiration of his term of office?—A. He did.

2848. Q. Where did Shehan reside?—A. Fifth ward, I think.

2849. Q. You don't know his Christian name?—A. I think it is "Jerry" or "Jeremiah;" he has a defect of one eye.

2850. Q. Where did John Newton reside?—A. In the city of Oswego.

2851. Q. How long had he resided in Oswego City?—A. Don't know.

2852. Q. Did you not have another Greenbacker in your office besides Mr. Pentelm?—A. Not that I know of.

2853. Q. You have a man by the name of Bull, have you not, in your office?—A. I have; R. G. Bull.

2854. Q. Was he not considered, last fall, as being favorable to the Greenback movement?—A. No, sir; not as I am aware.

2855. Q. Did he not attend Greenback meetings, as you understood, or heard from him or others in your office?

(Objected to as being immaterial and improper, by counsel for contestant.)

A. No, sir.

2856. Q. Did he not sometimes talk in your presence, in your office, in favor of the Greenback doctrine?—A. I presume he did.

2857. Q. He was a Republican, was he not, previous to last fall?—A. Yes; and last fall too.

2858. Q. Do you not know of other Greenbackers who were formerly Republican, who came to consult with Pentelm last fall, who resided in the city of Oswego?—A. Yes. I think Charles Newell came once or twice, I won't be positive. Mr. Philo Bundy was there on business every day. I think Silas Davis was in my office.

2859. Q. Do you remember now any other former Republicans residing in the city of Oswego who were Greenbackers last fall?—A. Galen Odderkirk.

2860. Q. He was the editor, proprietor, and publisher of the Greenback organ in the city of Oswego, was he not, and their candidate for member of assembly in first district of Oswego County?—A. Yes, sir.

2861. Q. Dr. Low and Sherman Clark, jr., in the performance of their duties of sheriff and jailer and the transaction of other business had frequent occasion to call at your office, had they not?—A. Dr. Low had; Clark didn't.

2862. Q. What former Democrats residing out of the city of Oswego

do you remember of who called at your office last fall to see Pentelm, and there expressed themselves on the subject of politics?—A. J. E. Sperry, supervisor of West Monroe, Chas. S. Rust, of Volney, Jno. W. Shea, of Pulaski, the Greenback candidate for district attorney, and, I think, Shea's brother.

2863. Q. Your office is in Oswego City, is it not?—A. Yes.

Redirect resumed :

2864. Q. Did you understand R. G. Ball to be serious when he talked as a Greenbacker in your office?—A. No, sir.

2865. Q. State whether or not in the copy of last fall's canvass shown you giving the vote of the second district of Volney, whether the vote for Sebastian Duffy is not made 300 too much by printing it "580;" instead of "280"?—A. Yes, sir.

Copy of official canvass of the general election, held November 5, 1878, offered in evidence, and marked Exhibit No. 2.

DANIEL E. TAYLOR.

C. O. CASE,  
*Notary Public.*

D. J. VAN AUKEN,  
*Associate Notary.*

Contestee's counsel offers in evidence affidavit of A. Z. McCarty of service of answer of contestee on contestant, filed and marked Exhibit No. 3, April 14, 1879.

By consent of respective parties, adjourned until April 16, 1879, at 10 a. m.

April 16, 1879, 10 a. m. Met pursuant to adjournment.

By consent of respective parties, adjourned until 2 p. m.

Met pursuant to adjournment. Present, Notaries Case and Van Aukén; Hon. John C. Churchill, counsel for contestee; Wm. Tiffany, counsel for contestant.

The report of John A. Place and Maurice Daly, supervisors of elections in the first ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 4, April 16, 1879.

The report of Thomas Audlin, Republican supervisor of elections in the second ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 5, April 16, 1879.

The report of John O'Brien, Democratic supervisor of elections in the second ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 6, April 16, 1879.

The report of Richard Walpole, jr., Republican supervisor of elections in the third ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 7, April 16, 1879.

The report of John Mott, Democratic supervisor of elections in the third ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 8, April 16, 1879.

The report of Volney K. Burr, Republican supervisor of elections in the fourth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 9, April 16, 1879.

The report of John Mack, Democratic supervisor of elections in the fourth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 10, April 16, 1879.

It is admitted that "John Mack" is the same person who was sworn as a witness under the name of "John McNamara" for witness for contestant.

The report of Chester O. Case, Republican supervisor of elections in the fifth ward of Oswego City, for the election held November 5, 1878, received and marked Exhibit No. 11, April 16, 1879.

Report of Edward Scully, Democratic supervisor of elections in the fifth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 12, April 16, 1879.

The report of Henry H. Thorp, Republican supervisor of elections in the sixth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 13, April 16, 1879.

Report of Moses Hamilton, Democratic supervisor of elections in the sixth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 14, April 16, 1879.

Report of Fred E. Soyer, Republican supervisor of elections in the seventh ward of Oswego City, for the election held November 5, 1878, received and marked Exhibit No. 15, April 16, 1879.

Report of Frank Cusick, Democratic supervisor of elections in the seventh ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 16, April 16, 1879.

Report of Robert S. Kelsey, Republican supervisor of elections in the eighth ward of Oswego City, for the election held November 5, 1878, received and marked as Exhibit No. 17, April 16, 1879.

Report of Richard Grace, Democratic supervisor of elections in the eighth ward of Oswego City, for the election held November 5, 1878, received and numbered as Exhibit No. 18, April 16, 1879.

It is admitted that Richard Grace, supervisor of elections in said eighth ward of Oswego City, is the same Richard Grace who was sworn as a witness on the part of contestant.

It is admitted that the supervisor of the first ward of Oswego City, John A. Place, is Republican, and Maurice Daly is the Democratic.

And that in the other wards of Oswego City, the other supervisors named were Democrats and Republicans as heretofore stated.

#### UNITED STATES OF AMERICA,

*City and County of Oswego, State of New York :*

To Sebastian Duffy, esq., and to Henry D. Baker, esq., his agent or attorney authorized to take testimony and examine witnesses in his behalf:

Please to take notice that under the provisions of chapter 8, title 2, section 108, of the Revised Statutes of the United States of America, the undersigned, Joseph Mason, contestee, will proceed to take the depositions of the following-named persons, all of whom reside in the city of Oswego, in the county of Oswego, New York, unless otherwise noted, to wit: Frederick Shelmerdine, Charles North, Jeremiah Hartigan, Patrick Danahar, Joseph Dempsey, James Cosgriff, Patrick Fitz-Gibbons, Edwin Chase, James G. Sharpe, Charles R. Parkinson, Walter Stebbins, John L. McWhorter, Daniel E. Taylor, Fred. Bennett, George Kellogg, Joel S. Palmer, Dennis Driscoll, Henry H. Lyman, Michael Curran, Charles Doolittle, Henry W. Miller.

And that such depositions will be so taken at the office of John C. Churchill, corner of West Bridge and Water streets, in Oswego City, before one Chester O. Case, a notary public of said city and county of

Oswego, on the 17th day of March, 1879, at the hour of nine o'clock in the forenoon of that day, and that the taking of such depositions will continue in said city at the same place and at the same hour in each day (Sundays excepted) until the same shall have been all taken on the part of the contestee.

Dated March 13, 1879.

JOSEPH MASON,  
By JOHN J. LAMOREE,  
*His Attorney.*

Due service of the within notice is hereby admitted this 13th day of March, 1879.

H. D. BAKER,  
*Attorney for Contestant.*

Statement of the votes given in the county of Oswego at a

Towns and wards.	Election districts.	Secretary of state.					Comptroller.				
		Whole number.	John C. Churchill.	Allen C. Beach.	Henry Hagner.	John J. Junio.	Whole number.	Clinton V. R. Laddington.	Frederick P. Olcott.	Elias T. Talbot.	George Blair.
Albion.....	1	334	170	154	10	.....	334	171	154	9	.....
Do.....	2	139	91	43	5	.....	139	91	43	5	.....
Amboy.....	.....	200	118	82	.....	.....	200	118	82	.....	.....
Boylston.....	.....	128	99	29	.....	.....	128	99	29	.....	.....
Constantia.....	1	305	145	160	.....	.....	305	145	160	.....	.....
Do.....	2	323	184	132	7	.....	323	183	133	7	.....
Granby.....	1	516	219	255	42	.....	515	215	256	42	.....
Do.....	2	237	101	134	1	1	237	101	135	1	.....
Hannibal.....	1	322	208	82	32	.....	320	196	89	35	.....
Do.....	2	177	72	69	36	.....	177	70	71	36	.....
Hastings.....	1	166	82	82	22	.....	166	82	82	22	.....
Do.....	2	388	238	143	7	.....	388	238	143	7	.....
Mexico.....	1	339	257	81	1	.....	340	259	80	1	.....
Do.....	2	420	295	125	.....	.....	421	296	125	.....	.....
New Haven.....	.....	324	255	64	5	.....	324	254	65	5	.....
Orwell.....	.....	216	131	60	25	.....	216	129	62	25	.....
Oswego.....	1	229	140	78	3	8	229	140	78	3	8
Do.....	2	165	120	85	.....	.....	164	119	35	.....	10
Oswego City.....	ward	500	290	233	3	4	500	222	268	2	4
Do.....	do	239	116	82	.....	41	239	102	94	.....	43
Do.....	do	588	381	202	1	4	589	339	249	.....	1
Do.....	do	444	235	127	1	81	444	225	136	.....	82
Do.....	do	434	250	178	.....	6	434	233	195	.....	6
Do.....	do	401	256	131	2	12	404	242	148	.....	12
Do.....	do	234	176	54	.....	2	234	168	63	.....	2
Do.....	do	406	178	219	1	8	407	166	231	.....	9
Palermo.....	.....	399	234	123	41	1	399	235	122	41	1
Parish.....	.....	359	191	128	9	36	359	191	122	9	37
Redfield.....	.....	178	76	79	23	.....	178	73	82	23	.....
Richland.....	1	412	247	164	1	.....	412	245	165	2	.....
Do.....	2	351	203	142	4	.....	351	203	145	3	.....
Sandy Creek.....	.....	522	337	150	35	.....	522	337	150	35	.....
Schreppel.....	1	399	259	136	.....	4	401	194	203	.....	4
Do.....	2	194	138	49	3	4	192	129	55	4	4
Scribe.....	.....	499	335	143	.....	21	499	323	155	.....	21
Volney.....	1	608	334	254	16	4	610	328	262	16	4
Do.....	2	468	214	215	3	6	467	224	224	3	6
Do.....	3	169	181	87	.....	1	169	181	37	.....	1
West Monroe.....	.....	209	81	126	2	.....	209	80	127	2	.....
Williamstown.....	.....	248	69	168	11	.....	248	69	168	11	.....
Total.....	.....	13, 189	7, 636	4, 943	352	244	13, 193	7, 855	5, 225	853	255



general election held on the 6th day of November, in the year 1877.

Treasurer.					Attorney-general.					Justice of sessions.					Senator.				
Whole number.	William L. Boetwlok.	James Mackin.	Joseph W. Grosvenor.	Samuel G. Rice.	Whole number.	Greenville Tremaine.	Augustus Schoonmaker.	G. Havens Gleason.	Warren T. Worden.	Whole number.	Cheney D. Barney.	Andrew S. Coey.	Henry A. Jones.	Whole number.	John W. Lippitt.	Charles Rhodes.	Milton C. Groat.	Edward S. Cook.	
334	171	154	9		834	171	154	9		325	171	154		331	172	159			
139	91	43	5		139	91	43	5		134	91	43		138	95	43			
200	118	82			200	118	82			200	118	82		199	118	81			
128	99	29			128	99	29			128	99	29		128	99	29			
305	145	160			305	143	162			305	143	162		305	141	164			
323	183	133	7		323	183	133	7		323	183	133	7	322	182	134	6		
516	227	257	42		516	217	257	42		516	215	259	42	510	220	249	41		
237	101	135	1		237	101	135	1		237	101	135	1	237	100	136	1		
320	196	89	35		320	196	89	35		307	196	89	22	318	186	104	28		
177	70	71	36		177	70	71	36		149	70	71	8	176	67	71	37		
166	62	82	22		166	62	82	22		196	65	79	22	166	63	82	21		
388	238	143	7		388	238	143	7		388	239	142	7	388	238	142	8		
340	259	80	1		340	259	80	1		339	258	80		337	255	82			
420	298	124			420	295	125			420	295	125		417	295	121			
324	254	65	5		324	254	65	5		319	254	65		319	243	76			
216	129	62	25		216	129	62	25		216	129	62	25	217	125	62	30		
229	140	78	3		229	140	78	3	8	221	140	78	3	229	136	79	8	11	
164	119	35	10		165	120	35			154	119	35		165	115	39		11	
500	224	260	2	4	500	224	265	3	4	494	225	266	3	498	199	294	2	3	
239	102	94	43		239	102	94	43		198	102	94		238	98	101		39	
595	340	253	1	1	593	339	252	1	1	588	339	249		591	292	296	1	2	
443	226	134	1	82	444	228	133	1	82	362	227	134	1	444	210	151		83	
434	233	195	6		433	232	195	6		428	233	195		429	229	197		2	
404	241	149	2	12	403	243	146	2	12	392	241	148	2	403	218	172	2	9	
234	168	63	2		233	170	61	2		234	168	63		234	168	63		2	
407	164	223	1	9	408	167	231	1	9	397	166	231		404	158	239		7	
339	235	122	41	1	399	235	122	41	1	398	235	122	41	391	230	124	36	1	
356	191	122	9	37	359	192	122	9	36	323	194	122	7	344	205	104	35		
178	73	82	23		178	73	82	23		169	34	135		162	77	85			
412	245	165	2		412	245	165	2		412	215	165	2	412	244	167	1		
351	204	144	3		351	204	144	3		347	203	144		348	195	151	2		
522	337	150	35		522	337	150	35		522	336	151	34	519	341	155	23		
399	253	142	4		401	252	145	4		394	209	194		400	240	156		3	
194	137	49	4	4	194	136	50	4	4	190	129	57	4	195	129	56	3	7	
499	324	154	21		499	324	154	21		478	323	155		500	300	175		25	
610	335	255	16	4	610	335	255	16	4	602	329	258	15	606	321	264	14	5	
466	243	214	3	6	466	243	214	3	6	459	238	218	3	465	235	220	3	7	
169	131	37	1		169	131	37	1		168	131	37		168	130	37		1	
209	80	127	2		209	81	126	2		209	80	127	2	209	77	129	3		
248	69	168	11		248	69	168	11		248	69	168	11	247	65	171	11		
13, 197	7, 443	5144	340	270	13, 198	7, 448	5, 136	355	244	12, 857	7, 333	5, 256	262	13, 109	7, 211	5, 360	311	218	

Exhibit No. 1, April 14, 1879.

C. O. CASE, Notary.  
D. J. VAN AUKEN, Notary.

## Statement of the votes given in the county of Oswego at a general

Town and wards.	Election districts.	Associate judge of the court of appeals.					Sheriff.					District attorney.			
		Whole number.	George F. Danforth.	George B. Bradley.	Gideon J. Tucker.	William H. Van Cott.	Whole number.	J. Lyman Bulkley.	John Gardener.	Morgan Van Buren.	Galusha J. Lockwood.	Whole number.	Benjamin F. Chase.	Azariah Wart.	John W. Shea.
Albion.....	1	344	154	155	34	5	347	167	158	22	....	341	144	141	56
Do.....	2	134	71	24	39	....	134	77	26	31	....	134	71	25	38
Amboy.....	....	228	110	54	74	....	240	91	52	97	....	239	104	45	90
Boylston.....	....	225	129	46	50	....	223	132	45	46	....	224	119	50	55
Constantia.....	1	311	78	64	169	....	313	78	63	172	....	313	76	53	184
Do.....	2	318	107	66	145	....	316	98	80	138	....	319	98	80	141
Granby.....	1	507	130	145	219	13	513	116	116	268	13	494	134	82	278
Do.....	2	232	98	114	20	....	234	93	113	28	....	234	94	114	26
Hamilbal.....	1	385	227	101	29	28	386	193	154	14	25	354	224	96	32
Do.....	2	242	74	31	120	17	245	71	61	101	12	228	76	25	127
Hastings.....	1	184	27	50	107	....	185	27	49	106	....	184	27	50	105
Do.....	2	428	237	73	115	3	429	230	76	120	3	425	232	63	120
Mexico.....	1	314	219	56	29	9	320	172	110	27	3	320	216	68	30
Do.....	2	412	246	88	67	11	418	181	133	75	6	418	249	87	77
New Haven.....	....	286	204	54	17	11	293	180	93	15	....	296	215	53	17
Orwell.....	....	307	150	67	77	13	310	130	106	62	12	293	114	49	130
Oswego.....	1	286	164	62	59	1	285	110	142	33	....	286	172	54	60
Do.....	2	203	116	32	55	....	204	104	52	48	....	202	117	27	58
Oswego City, ward.....	1	540	249	216	69	....	556	191	279	76	....	556	236	194	109
Do.....	2	295	93	92	110	....	299	65	110	124	....	299	91	72	124
Do.....	3	607	371	219	17	....	626	290	309	27	....	615	380	193	42
Do.....	4	520	272	125	122	....	509	232	171	106	....	514	256	128	130
Do.....	5	457	249	165	42	....	472	236	192	39	....	472	298	97	72
Do.....	6	422	259	139	23	1	430	215	170	42	1	428	284	92	50
Do.....	7	266	196	67	3	....	271	177	89	5	....	271	202	52	16
Do.....	8	421	158	231	81	1	421	156	197	57	1	421	159	106	154
Palermo.....	....	392	188	58	118	28	401	190	74	118	....	394	196	26	149
Parish.....	....	417	46	57	311	....	417	36	149	232	....	417	47	81	288
Redfield.....	....	218	81	76	53	8	230	86	81	60	3	223	61	97	65
Richland.....	1	449	270	125	54	....	446	204	198	44	....	447	244	73	130
Do.....	2	357	198	102	57	....	360	189	106	62	3	354	180	70	104
Sandy Creek.....	....	603	381	159	63	....	607	480	75	52	....	611	280	296	35
Schroëppel.....	1	444	198	123	123	....	443	183	108	152	....	443	185	82	176
Do.....	2	209	108	54	45	2	211	108	56	45	2	209	103	58	48
Scriba.....	....	485	299	77	109	....	481	271	102	108	....	479	297	77	106
Volney.....	1	638	246	161	221	8	647	188	108	342	7	644	262	105	271
Do.....	2	447	155	70	220	2	449	111	53	283	2	452	163	46	243
Do.....	3	163	105	48	9	1	165	91	15	59	....	166	103	15	47
West Monroe.....	....	244	51	47	146	....	244	51	49	144	....	243	51	46	146
Williamstown.....	....	328	101	171	56	....	351	92	195	64	....	352	99	116	127
Total.....	....	14,282	6,815	3,864	3,427	....	162,14,431	6,092	4,515	3,644	....	93,14,801	6,659	3,288	4,285

*election held on the fifth day of November, in the year 1878.*

County treasurer.				Justice of sessions.				Representative in Congress.				Special county judge.			
Whole number.	Samuel H. Stone.	John Dowdle.	Allyah D.	Whole number.	David L. Brown.	Andrew S. Coey.	Edmund Potter.	Whole number.	Joseph Mason.	Sebastian Duffy.	Winfield S. Smith.	Whole number.	John Preston.	Charles R. King.	Henry A. Jones.
349	151	198	....	343	139	175	29	247	180	182	5	345	153	158	34
133	88	45	....	135	71	25	39	133	73	60	....	131	67	25	39
238	110	128	....	239	109	55	75	236	117	119	....	243	109	54	80
225	130	95	....	225	119	58	48	223	128	95	....	223	123	50	50
312	80	232	....	313	76	68	171	311	81	229	....	313	72	71	170
317	103	214	....	317	103	64	150	271	115	156	....	318	107	66	145
530	130	389	11	495	131	115	249	508	139	326	13	502	111	59	319
234	94	140	....	234	94	114	26	233	96	137	....	231	92	114	25
384	222	132	30	350	222	98	29	377	234	116	27	380	216	103	30
242	76	149	17	227	75	31	121	244	74	153	17	241	72	31	121
185	31	154	....	185	28	49	108	181	30	151	....	184	27	50	107
429	238	190	3	426	286	70	120	427	242	182	3	428	237	73	115
320	256	61	....	320	225	59	29	313	227	83	3	314	210	63	81
418	317	95	1	418	249	89	74	407	260	141	6	411	235	100	67
293	219	72	....	293	219	56	17	289	222	66	....	277	199	55	17
308	148	146	14	298	143	74	76	307	160	131	15	307	160	67	77
286	162	124	....	286	163	61	62	281	175	105	1	286	164	62	59
203	118	85	....	203	117	32	54	206	122	84	....	203	115	38	55
556	213	339	....	556	245	221	84	549	332	216	....	540	247	216	71
299	71	226	....	299	89	90	113	300	112	188	....	295	93	91	111
619	242	377	....	627	363	249	15	609	423	186	....	605	359	225	21
566	200	316	....	520	266	133	121	520	296	224	....	520	271	125	123
472	246	222	....	472	248	176	45	480	256	202	....	457	248	165	43
428	170	257	1	428	259	141	27	427	306	120	....	424	256	143	23
271	193	77	....	271	195	69	7	267	195	72	1	266	196	67	3
418	97	321	....	419	157	221	41	421	166	255	....	421	157	232	81
401	206	171	17	384	227	49	95	397	190	179	28	392	188	58	118
417	56	361	....	417	43	46	326	417	46	366	....	417	45	57	313
229	86	137	6	225	49	129	47	210	181	71	8	218	81	76	53
446	263	183	....	449	262	137	50	428	292	136	....	439	231	165	43
358	188	162	3	357	191	103	63	354	211	141	2	361	179	124	58
515	296	219	....	514	289	163	62	558	413	145	....	598	345	190	63
444	199	245	....	443	197	86	156	441	202	239	....	442	194	121	127
211	108	101	2	209	109	56	44	209	112	94	3	208	107	55	44
482	294	189	....	482	296	78	108	490	301	189	....	485	298	78	111
649	280	375	7	628	251	156	231	633	278	344	11	638	210	124	289
453	167	283	3	454	164	63	227	450	166	580	4	439	146	61	232
183	105	58	....	183	103	15	47	183	106	57	....	182	105	28	28
242	59	189	....	243	61	47	145	241	75	166	....	244	61	47	146
349	103	246	....	350	100	177	73	333	106	227	....	328	100	172	56
14, 339	6, 493	7, 696	115 14, 224	6, 674	3, 905	3, 604	14, 171	7, 372	6, 643	148	14, 236	6, 566	3, 853	3, 648	138

Exhibit No. 2, April 14, 1878.

C. O. CASE, *Notary.*  
D. J. VAN AUKEN, *Notary.*

*Reports by supervisor of elections after the completion of the canvass.*

## EXHIBIT No. 4.

1. Give the total registration in your district.—891.
2. State total vote given for Representative in Congress, namely : Joseph Mason, 332 votes ; Sebastian Duffy, 216 votes ; blank, 1 vote ; total, 549 votes.
3. Were there any illegal registrations in your district ?—No.
4. Was there any illegal voting in your district ?—No.
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law ?—They were.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

JOHN A. PLACE,  
MAURICE DALY,

*Supervisors of Elections, First Ward, City of Oswego.*

To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 11, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by J. A. Place and Maurice Daly, supervisors of election, first ward, city of Oswego, N. Y., with the original on file in my office, and the same is a correct transcript thereof, and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of Elections,  
Northern District of New York.*

## EXHIBIT No. 5.

1. Give the total registration in your district.—405.
2. State total vote given for Representative in Congress, namely : Joseph Mason, 112 votes ; Sebastian Duffy, 188 votes ; total, 300 votes.
3. Were there any illegal registrations in your district ?—
4. Was there any illegal voting in your district ?—
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law ?—Yes.

If not, the supervisor will, within ten days after election, make a spe-

cial report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

THOMAS AUDLIN,  
*Supervisor of Elections, Second Ward, City of Oswego, N. Y.*  
To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 11, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Thomas Audlin, supervisor of election, second ward, city of Oswego, N. Y., with the original on file in my office, and the same is a correct transcript thereof, and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.] C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of Elections,  
Northern District of New York.*

EXHIBIT No. 6.

1. Give the total registration in your district.—405.
2. State total vote given for Representative in Congress, namely: Sebastian Duffy, 188 votes; Joseph Mason, 112 votes; total, 300 votes.
3. Were there any illegal registrations in your district? —
4. Was there any illegal voting in your district? —
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law? —

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

JOHN O'BRIEN,  
*Supervisor of Election, Second Ward, City of Oswego.*  
To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 8, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by John O'Brien, supervisor of election second ward, city of Oswego, N. Y., with

the original, on file in my office, and the same is a correct transcript thereof, and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of  
Elections, Northern District of New York.*

#### EXHIBIT No. 7.

1. Give the total registration in your district.—848.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 423 votes; Sebastian Duffy, 186 votes; blank, 2 votes; total, 611 votes.
3. Were there any illegal registrations in your district? —
4. Was there any illegal voting in your district? —
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law? —

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

RICHARD WALPOLE, JR.,  
*Supervisor of Elections, Third Ward, City of Oswego.*

TO CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Richard Walpole, jr., supervisor of election, third ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof, and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of  
Elections, Northern District of New York.*

#### EXHIBIT No. 8.

1. Give the total registration in your district.—848.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 423 votes; Sebastian Duffy, 186 votes; blank, 2 votes; total, 611 votes.
3. Were there any illegal registrations in your district? —
5. Were the supervisors of election in your district allowed to exercise

and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof on the part of any person, all the duties, obligations, and powers conferred upon them by law ? —

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

JOHN MOTT,

*Supervisor of Elections, Third Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. W. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by John Mott, supervisor of election, third ward, city of Oswego, N. Y., with the original on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,

*United States Commissioner and*

*Chief Supervisor of Elections, Northern District of New York.*

EXHIBIT No. 9.

1. Give the total registration in your district.—676.

2. State total vote given for Representative in Congress, namely : Joseph Mason, 296 votes ; Sebastian Duffy, 224 votes ; total, 520 votes.

3. Were there any illegal registrations in your district ?—No.

4. Was there any illegal voting in your district ?—No.

5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law ?—Yea.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

VOLNEY K. BURR,

*Supervisor of Elections, Fourth Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby

certify that I have compared the annexed copy of report made by Volney K. Burr, supervisor of election, fourth ward, city of Oswego, N. Y., with the original on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and  
Chief Supervisor of Elections, Northern District of New York.*

#### EXHIBIT No. 10.

1. Give the total registration in your district.—677.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 296 votes; Sebastian Duffy, 224 votes; total, 520 votes.
3. Were there any illegal registrations in your district?—No.
4. Was there any illegal voting in your district?—No.
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law? —

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 12, 1878.

JOHN MACK,  
*Supervisor of Elections, Fourth Ward, City of Oswego.*  
To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 14, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by John Mack, supervisor of election, fourth ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of Elections,  
Northern District of New York.*

#### EXHIBIT No. 11.

1. Give the total registration in your district.—750.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 257 votes; Sebastian Duffy, 202 votes; scattering, none; total, 459 votes.
3. Were there any illegal registrations in your district?—None.
4. Was there any illegal voting in your district?—None.



5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

CHESTER O. CASE,

*Supervisor of Elections, Fifth Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 8, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Chester O. Case, supervisor of elections, fifth ward, city of Oswego, N. Y., with the original on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,

*United States Commissioner and Chief Supervisor of Elections,  
Northern District of New York.*

EXHIBIT No. 12.

1. Give the total registration in your district.—750.

2. State total vote given for Representative in Congress, namely: Joseph Mason, 257 votes; Sebastian Duffy, 202 votes; scattering, none; total, 459 votes.

3. Were there any illegal registrations in your district?—None.

4. Was there any illegal voting in your district?—None.

5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

EDWARD SCULLY,

*Supervisor of Elections, Fifth Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 8, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Edward Scully, supervisor of election, fifth ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of Elections,  
 Northern District of New York.*

EXHIBIT No. 13.

1. Give the total registration in your district.—629.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 306 votes; Sebastian Duffy, 120 votes; Winfield S. Smyth, 1 vote; total, 427 votes.
3. Were there any illegal registrations in your district?—None.
4. Was there any illegal voting in your district?—None.
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

HENRY H. THORP,  
*Supervisor of Elections Sixth District, Sixth Ward, City of Oswego.*

TO CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Henry H. Thorp, supervisor of election, sixth ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of Elections,  
 Northern District of New York.*

EXHIBIT No. 14.

1. Give the total registration in your district.—629.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 306 votes; Sebastian Duffy, 120 votes; Winfield S. Smyth, 1 vote; total, 427 votes.

3. Were there any illegal registrations in your district?—None.

4. Was there any illegal voting in your district?—None.

5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

MOSES HAMILTON,  
*Supervisor of Elections, Sixth District, Sixth Ward,  
City of Oswego, N. Y.*

To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss :*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Moses Hamilton, supervisor of election, sixth ward, city of Oswego, with the original on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor  
of Elections, Northern District of New York.*

EXHIBIT No. 15.

1. Give the total registration in your district.—362.

2. State total vote given for Representative in Congress, namely: Joseph Mason, 195 votes; Sebastian Duffy, 72 votes; total, 267 votes.

3. Were there any illegal registrations in your district?—No.

4. Was there any illegal voting in your district?—No.

5. Were the supervisors of election in your district allowed to exercise and discharge fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

FRED. E. SAYER,  
*Supervisor of Elections, Seventh Ward, City of Oswego.*

To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 8, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Fred. E. Sayer, supervisor of election, seventh ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor  
of Elections, Northern District of New York.*

EXHIBIT No. 16.

1. Give the total registration in your district.—362.
2. State total vote given for Representative in Congress, namely: Joseph Mason, 195 votes; Sebastian Duffy, 72 votes; total, 267 votes.
3. Were there any illegal registrations in your district?—No.
4. Was there any illegal voting in your district?—No.
5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law?—Yes.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

FRANK CUSICK,  
*Supervisor of Elections, Seventh Ward, City of Oswego.*

To CHARLES M. DENNISON,  
*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Frank Cusick, supervisor of election, seventh ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of  
Elections, Northern District of New York.*

EXHIBIT No. 17.

1. Give the total registration in your district.—622.
2. State total vote given for Representative in Congress namely: Sebastian Duffy, 255 votes; Joseph Mason, 166 votes; Winfield Smyth, 1 vote; total, 422 votes.

3. Were there any illegal registrations in your district?—Not any.

4. Was there any illegal voting in your district?—Not any.

5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law?—They were.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

ROBT. S. KELSEY,

*Supervisor of Elections, — District, Eighth Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,

*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Robert S. Kelsey, supervisor of election, eighth ward, city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,

*United States Commissioner and Chief Supervisor of Elections, Northern District of New York.*

EXHIBIT No. 18.

1. Give the total registration in your district.—622.

2. State total vote given for Representative in Congress, namely: Sebastian Duffy, 255 votes; Joseph Mason, 166 votes; Winfield Smyth, 1 vote; total, 422 votes.

3. Were there any illegal registrations in your district?—Not any.

4. Was there any illegal voting in your district?—Not any.

5. Were the supervisors of election in your district allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations and powers conferred upon them by law?—They were.

If not, the supervisor will, within ten days after election, make a special report, under oath, as required by section 2020 of the Revised Statutes of the United States.

Dated November 6, 1878.

RICHARD GRACE,

*Supervisor of Elections, Eighth Ward, City of Oswego.*

To CHARLES M. DENNISON,

*Chief Supervisor of Elections, Utica, N. Y.*

Filed November 7, 1878.

C. M. DENNISON.

UNITED STATES OF AMERICA,  
*Northern District of New York, ss:*

I, Charles M. Dennison, United States commissioner and chief supervisor of elections in and for the northern district of New York, do hereby certify that I have compared the annexed copy of report made by Richard Grace, supervisor of election, eighth ward, of the city of Oswego, N. Y., with the original, on file in my office, and the same is a correct transcript thereof and of the whole of said original.

In witness whereof I have hereunto set my hand and affixed my seal the 25th day of March, 1879.

[SEAL.]

C. M. DENNISON,  
*United States Commissioner and Chief Supervisor of  
 Elections, Northern District of New York.*

*Stipulation to extend time.*

UNITED STATES OF AMERICA,  
*State of New York, Oswego County:*

It is hereby stipulated that the examination of witnesses on the part of the contestee in the above entitled contest shall be and the same is hereby adjourned from the evening of the 24th day of March, 1879, at 6 p. m., to the morning of the 31st day of March, 1879, at 9 a. m., and that the time for the said contestee to take evidence in said contest shall be and the same is hereby extended six days from and after the time to which it has been heretofore extended by stipulation of the attorneys for the respective parties, to wit, to and including the ninetieth day from and after the day of the service of the answer of the said contestee upon said contestant; and it is further stipulated that the time for the said contestant to introduce evidence in rebuttal in said contest shall commence at the expiration of the period last aforesaid, to wit, on the ninety-first day from and after the service of said answer, and shall continue ten days, to wit, to and including the one hundredth day from and after the service of said answer, being six days after the time for that purpose heretofore fixed by stipulation in this contest. The hearing upon all notices served on or before the close of March 24, 1879, and yet in force and unfulfilled, shall be adjourned to March 31, at 9 a. m.

The above stipulation is for the mutual convenience of the parties to said contest and extends only to the county of Oswego and the taking of evidence therein.

Dated at Oswego, March 24, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
 JOHN C. CHURCHILL,  
*Attorney for Contestee.*

The provisions of the foregoing stipulations are hereby extended one day.

Oswego, March 31, 1879.

H. D. BAKER,  
*Attorney for Contestant.*  
 JOHN C. CHURCHILL,  
*Attorney for Contestee.*

Received and filed on the part of the contestee this 2d day of April, 1879.

C. O. CASE, *Notary.*  
 D. J. VAN AUKEN, *Notary.*

I.

STATE OF NEW YORK, *Oswego County*:

We, John T. McCarty and Charles B. King, notaries public of the county of Oswego aforesaid (the said Charles B. King having been selected by Sebastian Duffy, contestant, to officiate with the said John T. McCarty, the officer named in the annexed notice, in the taking of the depositions mentioned in said notice, pursuant to section 118 of the Revised Statutes of the United States), do hereby certify that Loren J. Hawley, John Priston, Albert A. Mallby, and Azariah Wart appeared before us, pursuant to the annexed notice, as witnesses on the part of Joseph Mason, the contestee in said notice mentioned, and were by us first severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned; that we caused the testimony of said witnesses, together with the questions propounded by the agents and attorneys of the respective parties, to be reduced to writing in our presence, and in the presence of the agents and attorneys of the parties and of the witnesses, which testimony and questions thus reduced to writing we caused to be duly attested and subscribed by said witnesses, severally, in our presence and in the presence of the agents and attorneys of said parties; that such testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto annexed, and was continued from day to day, except that one adjournment was had by virtue of written stipulation at the close of question 19 and answer, and with consent of all parties, from April 12 to April 15, 9 o'clock a. m., at same place, before us.

JOHN T. McCARTY,  
*Notary Public for Oswego County.*  
CHARLES B. KING,  
*Notary Public for Oswego County.*

DEPOSITIONS ON THE PART OF CONTESTEE.

Before John T. McCarty and Charles B. King, notaries.

Present, contestant, with D. A. King as counsel; contestee represented by A. Z. McCarty and N. B. Smith, April 12, 1879, and afterwards by John J. Lamoree and N. B. Smith.

*Deposition of L. J. Hawley.*

LOREN J. HAWLEY duly sworn.

1. Question. What is your age, residence, and occupation?—Answer. Age, fifty-three; residence, Pulaski, Oswego County; occupation, farming.

2. Q. How long have you resided in the county of Oswego and the village of Pulaski?—A. About twenty-two years.

3. Q. Have you been considerably acquainted about the county?—A. I have.

4. Q. Have you been acquainted with the politics of the people in this immediate vicinity?—A. Yes; considerably.

5. Q. What was the leading issue between the parties at the last election, in November, 1878?—A. There was a good deal said about the financial questions and the resumption of specie payments.

6. Q. Were those deemed the most important questions generally?

(Objected to; that the witness is incompetent to state; he can only speak for himself as to what was thought by him.)

A. I suppose they were.

7. Q. Who were the candidates for Congress from the twenty-fourth Congressional district of New York at the last general election?—A. Sebastian Duffy and Joseph Mason.

8. Q. What was the special designation of the candidates?—A. Mason was the Republican and Duffy the Greenback and Democratic candidate.

9. Q. Was there considerable discussion as to Mr. Duffy's financial views?—A. There was considerable said.

10. Q. Did you hear previous to or at the election any Democrats declare their unwillingness to vote for him on that ground?—A. I did.

11. Q. Were they of the class usually classed as hard-money Democrats?—A. Yes.

12. Q. Did you hear considerable said about his advocating in his speech or speeches the issuing by the government of two thousand million of greenback currency?—A. I did hear it said.

13. Q. Did you attend the polls on election day, and at which election district of the town of Richland?—A. I did; in district No. 1.

14. Q. Did you hear of Democrats or do you know of any who refused to vote for him at that election?—A. It is rather hard to tell that I know it, but I have heard Democrats say they would not vote for him.

15. Q. Did you hear or know, during that election, of Democrats refusing to vote for him on other than financial grounds?—A. They said they would not.

16. Q. What other grounds of opposition did you hear expressed by Democrats as a reason for not voting for him?—A. That he was not a taxpayer of the town, not permanently located here, and did not consider that he would take as much interest as some man that was permanently located and paid taxes.

17. Q. Did you hear, also, much discussion and an expression of opposition to Mr. Duffy because of his conduct as principal of the academy in reference to drawing from the regents' fund?

(Objected to on the grounds that it is leading, and the words of the answer are put in witness's mouth; and, further, that there is no allegation in the answer of the contestee in relation to any such subject, and it is not admissible under any allegation of the contestee in his answer, nor does it tend to disprove any allegation in the notice of the contestant, and is not admissible by section 121 of the Statutes of the United States. Notaries disagree; McCarty for admitting the question to be answered; King against it.)

A. I did, in regard to the regents' fund.

18. Q. Was there quite a number of Democrats that objected to Duffy for the reasons you have assigned?

(Objected to as before. Notaries disagree as before.)

A. Yes.

Adjourned to Tuesday, April 15, 9 a. m., as per written stipulation of contestant.

APRIL 15, a. m.

19. Q. Were you at the polls most of the time on election day in district No. 1?—A. I was, most of the time.

20. Q. Did you hear Democrats, on that day, speak disapprovingly of Duffy's nomination?—A. I did.

21. Q. And did you hear Democrats, on that day, say they were not going to vote for him?—A. I did.



Cross-examined by D. A. KING for contestant :

22. Q. At the last election you advocated the election of Mr. Mason?—  
A. I did.

23. Q. You are considered an ardent Republican?—A. That is the way I consider myself.

24. Q. Did you understand, in relation to the financial issues last fall, that there was any material difference between the Republicans and the Democrats?—A. My impression was that there was a difference.

25. Q. Please state what you consider the difference between the Democratic and Republican parties last fall in relation to the financial issues.

(Objected to by contestee as immaterial and improper, and the question calls for the opinion of the witness.)

A. Of course the expression of the people and mine was the same—that the Democrats were for soft money and Republicans for hard money.

(Contestant asks that part of the answer be stricken out in respect to the expression of the people; is not responsive to the question.)

26. Q. Do you now understand that in the contest last fall the Democratic party was in favor of soft money, so called?

(Objected to by contestee; improper, immaterial, and calls for supposition of the witness, and has been answered before.)

A. It was so expressed, and that is my opinion.

27. Q. Did you understand that the Democratic party in this district last fall was in favor of resumption of specie payments?

(Objected to as before, and question should state whether it calls for the Democratic platform or the expression of Democrats here.)

A. I supposed they were not.

28. Q. Do you understand that the Greenback party were opposed to specie payments in this Congressional district?—A. They were.

29. Q. Did you hear Mr. Duffy make any political speech last fall?—  
A. No.

30. Q. Do you know of your own knowledge of any Democrat that voted against Mr. Duffy at the election last fall?—A. I do not.

31. Q. What person did you hear say that Duffy was not a taxpayer?—  
A. I heard that used against him, and can mention names I heard discuss it.

32. Q. What person did you hear say that Mr. Duffy was not a taxpayer?—A. I can't change the answer above given.

33. Q. Did you hear, during the contest last fall, any one allege that Mr. Duffy was not a taxpayer?—A. I did.

34. Q. Who was it that alleged that he was not a taxpayer?—A. I think Wesley Wood and Isaac Douglass. Wesley Wood said he understood that Duffy did not pay tax.

35. Q. Did Wood claim any personal knowledge of that report?—A. He did not.

36. Q. Do you know of any person that voted against Mr. Duffy last fall for the reason alleged that he was not a tax-payer?—A. I don't know of any, personally.

37. Q. Do you know whether he was a tax-payer or not?—A. I don't.

38. Q. Do you know personally or by hearsay of the use of any money by Mason or the Republican party in the last fall election?—A. I do not.

39. Q. Did you ever hear that any was used by Mason or the Republican party?—A. No, sir.

40. Q. Do you know whether Mr. Duffy ever drew a dollar from the regents' fund?—A. I supposed he did, but I do not know it.

41. Q. Don't you know that Pulaski Academy and others in the State draw from the regents' fund through the boards of trustees?  
(Objected to as immaterial and improper.)

A. I suppose they did.

42. Q. Do you know anything about the machinery used and required by the regents of the university for an academy to avail itself of the benefits of the fund?

(Objected to as before.)

A. I know something about it, not particularly.

43. Q. Where did you get your information as to what was required by the board of regents?—A. I have read something of it in some publication that I cannot mention; I have had it explained by some scholars who have passed.

44. Q. Did you ever read the Manual of the Regents?

(Objected to as immaterial and improper.)

A. I should say not.

45. Q. Will you state the name of any Democrat who refused to vote for Mr. Duffy on account of anything in relation to the regents' fund?—A. I don't know only from what they said.

46. Q. Did you hear any Democrat say that he would not vote for Mr. Duffy by reason of any action of his in relation to the literature fund?—A. I can't say that they said that.

47. Q. Do you understand that Mr. Duffy was nominated by the Democratic Congressional convention?—A. Yes.

48. Q. Do you also understand that the first nominee of the Greenback party for member of Congress was not Mr. Duffy, but a man by the name of Smith?—A. Yes.

49. Q. Do you also understand that Mr. Duffy was put on that ticket by a committee?—A. I suppose that was the case.

Redirect:

50. Q. Do you understand and was it reported last fall during the canvass that Mr. Duffy received the whole benefit of the regent fund?

(Objected to as incompetent, immaterial, and not in the issue.)

A. Yes.

51. Q. Was it a common report last fall here in this community during the canvass that Mr. Duffy had been guilty of irregularities in regard to drawing the regents' fund?

(Objected to as incompetent, immaterial, hearsay, and not within the issue between the parties.)

A. Yes, there was, and such reports and arguments used.

52. Q. Was such arguments used as a ground of opposition to voting for Mr. Duffy by Democrats last fall?

(Objected to as last above.)

A. Yes; I did hear it used by Democrats.

53. Q. Was Mr. Duffy present at the polls in this town on election day?—A. Yes; most of the time.

54. Q. Did he distribute Greenback ballots among the electors on that day?

(Objected to as last above.)

A. Yes; I saw him have the tickets and hand them out at or near the polls.

55. Q. Did you hear that money was used by Mr. Duffy to promote his election here?—A. I did hear so.

56. Q. When you heard this discussion about Duffy not paying taxes were there a number of persons present?—A. Yes, there was.

57. Q. And was that statement made there by Democrats as a reason why Democrats should not support him at the polls?—A. Yes, it was.

58. Q. Was there a difference of sentiment among Democrats in regard to the financial questions?—A. There was.

59. Q. Were some of the Democrats in favor of soft money, so called, and some in favor of hard money?—A. Yes; so I understand it.

Recross:

60. Q. Who were present when it was said that Duffy was not a tax-payer?—A. W. Wood, J. Douglass, John Preston, A. A. Maltby, J. H. Clute.

61. Q. Where was the conversation?—A. Up near Gray's Hotel.

62. Q. Did Preston disclose the fact that Duffy was a tax-payer?—A. No.

63. Q. Are you sure that he did not?—A. No; I am not sure.

64. Q. Did you ever hear Wesley Wood talk in reference to his tax-paying on any other occasion; and, if so, when and where?—A. I can't say positively that I have.

65. Q. Was there any disagreement as to the tax-paying?—A. No.

66. Q. Every one of the persons present on that occasion was a known opponent of Mr. Duffy?—A. I think they were not.

67. Q. Who was there that was not known to be an opponent of Mr. Duffy?—A. Wheedon.

68. Q. Did Wheedon say anything about the taxes?—A. No.

69. Q. Was there any one there who claimed to know whether he, Duffy, was assessed or not?—A. There was ten or fifteen there, and they all professed to know, and that was my impression.

70. Q. Did you know whether he was a tax-payer or not?—

(Objected to as immaterial and improper, and not within the issue.)

A. I did know; not at that time.

71. Q. Did you hear any Democrat say that he would not vote for Duffy on the grounds that he was not a tax-payer at the time?

(Objected to on the grounds that it has been asked and answered before.)

A. I did not hear any one say he would not do it.

72. Q. Did Mr. Douglas object to him on that ground?—A. Not that I heard.

73. Q. Did Wheedon object to him on that account?—A. No.

74. Q. Did Crippin say he would not vote for him because he was not a tax-payer?—A. Crippin or no one expressed themselves particularly on that subject.

75. Q. Was Wood a Democrat, or Republican, or a Greenbacker?—A. I understood him to be a Greenbacker.

76. Q. What was Douglas?—A. He favored the Greenback ticket, but was a Democrat.

77. Q. Can you name any other Democrats that were there?—A. I think Porter Price was there.

78. Q. Was he a known Greenbacker?—A. I think it was said he was going to vote the Greenback ticket.

79. Q. Did he express any opposition to Duffy?—A. I did not hear him.

80. Q. Was there any other Democrat there?—A. Yes; Thomas Gallagher.

81. Q. Is Gallagher a voter?—A. Yes.

82. Q. Did Gallagher vote the Democratic ticket?—A. I gave him some Republican tickets; he said no, I vote the other ticket.

83. Q. Were there any other Democrats there?—A. Not that I recollect of.

84. Q. Did Mr. Duffy, at the polls, distribute Democratic votes?—A. I don't know. I saw him have the Greenbacks, but not the other tickets.

85. Q. Whom did you hear say that Duffy used money to promote his election?—A. I don't know who it was.

86. Q. Tell what individual you ever heard charge that Duffy had used money to promote his election?—A. I don't recollect who it was.

87. Q. Did you ever, before this investigation, hear it charged that Mr. Duffy had improperly used money to promote his election?—A. Yes.

88. Q. Who did you hear make that charge?—A. I can't tell.

89. Q. When was it?—A. About and on the day of election.

Redirect:

90. Q. Was Mr. Crippin a Democrat?—A. Yes.

91. Q. Did Crippin say that he should not vote for Duffy on the occasion of the talk about taxes?—A. He said he should not vote for him, but not on that occasion.

Recross:

92. Q. Did Crippin, at the time he made the remark, assign as a reason why he should not vote for Mr. Duffy, that he did not agree with Duffy's views on the excise question?—A. The thing was not mentioned at all.

93. Q. Crippin is a hotel-keeper?—A. I don't know it.

94. Q. Was it reported that Gray sold out, and Crippin took out license?—A. No.

95. Q. Was it reported that Gray and Crippin took out a license?—A. No.

96. Q. What was the report in relation to Crippin's relation to the license question?—A. It was reported that Crippin was a partner and took out the license instead of Gray.

97. Q. You understand that to be the fact?

(Objected to as irrelevant and improper.)

A. That was the report, and I had no reason to doubt it.

LOREN J. HAWLEY.

Subscribed and sworn before me, at Pulaski, April 15, 1879.

JOHN T. McCARTY,  
Notary Public.

*Deposition of John Preston.*

JOHN PRESTON sworn.

98. Question. Give your age, residence, and occupation.—Answer. Age, thirty-five; residence, Pulaski; occupation, lawyer.

99. Q. Are you at this time serving your second term as one of the judges of the county of Oswego?—A. Yes.

100. Q. Have you also represented this, the third assembly district of Oswego County, in the assembly of the State; and, if so, when?—A. Yes; in the year 1876.

101. Q. What has been your politics, and is now?—A. Republican.

102. Q. Does S. Duffy, contestant, reside in the same village; and how long has he so resided in the village where you live?—A. He resides there; I think, about ten years.

103. Q. During that time, and prior to the month of July last, did he take any part in politics?—A. I never knew him to.

104. Q. About what time did you first know of the rising of his political ambition to represent this district in Congress?—A. I don't recollect the time, but the circumstance when the Greenback candidate (Mr. Smith) withdrew and Mr. Duffy was nominated in his place.

105. Q. What did you understand Mr. Duffy's politics to be at that time?—A. Before that time I could not tell if he was a Democrat or Prohibitionist.

106. Q. Had you not known of his identifying himself with the Prohibitionists?

(Objected to by contestant as immaterial and not within the issue to be tried framed by the parties.)

A. Yes; I think he had identified himself with the Prohibitionists.

107. Q. For how long had you known of his being identified with them?—A. Nearly all the time since he has been here.

108. Q. And did you know or have you heard of his being a delegate to Prohibition conventions and making speeches there upon that issue?

(Objected to as before.)

A. No.

109. Q. Have you never heard of his making Prohibition speeches?—A. I have, and have heard him.

110. Q. Do you know how far his extreme views upon that question tended to lessen his vote among the license men of this county at the last general election?

(Objected to as immaterial and not in the issue.)

A. I can't say as to the number he lost by it; I should think a great many.

(Objected to; the last part of the answer is not responsive to the question, and his opinion incompetent.)

111. Q. Did you know of the position taken by the Democrats of this State in convention assembled and of the hard-money and the resumption-of-specie-payment pledges set forth in the Democratic platform upon the financial issue?—A. Yes.

112. Q. And were those pledges emphatic and strongly made to the electors of this State in favor of resumption and opposed to inflation of the currency of the country?

(Objected to; that it is not the best evidence the platform should be produced.)

A. Yes.

113. Q. Did not the leading Democratic papers of the State openly and forcibly combat the heresy of inflation and support the issue presented at their State convention.

(Objected to as before.)

A. Those that I read did.

114. Q. Did you understand the Democratic press of the State, as well as the platform, to be in accord with the Republican press of the State and the Republican platform, and were they not all alike in favor of resumption and opposed to an expansion of the currency, and upon that issue arrayed against the Greenback party and their principles, as declared in their convention assembled?—A. Yes.

115. Q. Did you not regard it then as putting the Democratic party in an antagonistic position to itself and to their own State platform when an avowed inflationist like S. Duffy should appear as their candidate by endorsement for Representative in Congress for the only elective office which could materially affect the issue?

(The contestant objects that it is improper to put a stump speech in

the belly of his question, and thus get the witness to swear to it; that it is incompetent and immaterial.)

A. Yes.

116. Q. Did you notice how Mr. Duffy's adoption by the Congressional convention, composed of twenty-five men, by the Democratic party assembled in the county of Madison, was received by the hard-money Democrats in the county of Oswego, and especially in your vicinity?—A. I did.

117. Q. You may now state how that nomination was received and what you observed on that question.—A. It was received with considerable dissatisfaction by all classes of Democrats excepting those that favored the Greenback party.

118. Q. Did you hear Mr. Duffy define his position with reference to the Democratic and Republican parties during the canvass?—A. I heard a speech he made at the court-house. He defined his position then.

119. Q. You may state what you heard S. Duffy say on that occasion with reference to his relations with the Democratic party, and the reasons assigned why he had first left that party and could not support either the Democratic or Republican parties.

(Objected to as assuming things that do not exist and are not true.)

A. He said in substance that the financial policy of both the Democratic and Republican party was a fallacy, and that there should be two billions of greenbacks issued to relieve the financial distress of the country, so that every man, woman, and child might have a certain amount, *per capita*. He claimed that both parties had been in power long enough. He claimed that a new party ought to be organized whose political morals should be purer and financial policy better; that both the old parties had become thoroughly corrupt and they should be dispossessed of all political power. Then he made a comparison between the financial policy of France, both present and past, with the ruinous financial policy now pursued by the Government of the United States. He claimed that France was now working on inflation basis, and that she was prosperous, and that we would be a more happy and prosperous nation were we to adopt the greenback platform, have Greenback officers, a fabulous amount of greenbacks issued, and drive the present political parties from power.

120. Q. What farther did he say, if anything, with reference to the corruption of the Democratic party, and the reasons why that party was unworthy to remain in power in this State or in the nation?—A. I can't say that he said anything except that both parties were corrupt, not fit to rule. I don't know that he said corrupt.

121. Q. What is your recollection with reference to his saying they were corrupt, if he did not use that term?—A. He said both political parties were dishonest, in substance.

122. Q. Did Mr. Shea, the Greenback candidate for the office of district attorney, unite with Mr. Duffy in the advocacy of Greenback principles at that meeting?—A. Yes, he did; he was quite savage.

123. Q. You may state what Shea said at that meeting.

(Objected to that it is immaterial what Mr. Shea said.)

A. He said both Democratic and Republican parties were corrupt, and that he cared nothing about the Democrats; that he could get his election without their help, and if the Greenback party would do its duty they would elect the entire Greenback ticket.

124. Q. Did he say why he left the Democratic party?—A. On account of its dishonesty and corruption.

125. Q. Had Shea been a Democrat, and, if so, up to what time?—A. Up to and previous to April 5, 1878.

126. Q. And was there a strong local opposition to the greenback issue in this assembly district?—A. There was, except in the towns of Parish and Amboy.

127. Q. And do you understand that Mr. Shea made those inflammable speeches and denounced the Democratic party as corrupt and unworthy to remain in power, generally, in all parts of the county?—A. Yes.

128. Q. How were they received by the Democratic party?—A. Those whom I heard express themselves received them with disapprobation.

129. Q. Did you know or hear of some alleged crooked and dishonest practices by Mr. Duffy in the matter of examinations of students at the Pulaski Academy and his reports to the regents at Albany?

(Objected to on the ground that it is not within the issue framed by the contestant and answer of the contestee. There is no allegation in the notice or the answer allowing any inquiry of that kind; further, that the question is leading. The answer is placed in his mouth.)

A. I have.

130. Q. You may state the facts in reference to those students as you understand it.

(Objection as above.)

A. Several years ago I understood that at the regents' examination there was several fraudulent or illegal certificates obtained for students that were not legally entitled to pass the examination, with Mr. Duffy's help or connivance, and that they were forwarded to Albany by him or the committee, and that the agent of the regents came up here to investigate the matter. That is all I know about it. I saw the agent here.

131. Q. Did you learn that the regents ordered a re-examination?—A. I heard so.

132. Q. Did you not also hear it reported that out of something more than sixty students that had been thus examined by Mr. Duffy or his committee, upon the re-examination there were only five or six found qualified to pass the examination?—A. No, I did not hear it.

133. Q. Did you understand that a pecuniary benefit resulted to Mr. Duffy upon each and all of those certificates; and, if so, how much?—A. Yes; ten dollars.

134. Q. During the fall campaign was this question of Mr. Duffy's fraudulent examinations and certificates a subject of much unfavorable comment in the papers of this county?—A. Yes; I saw it mentioned in all the papers.

135. Q. And was that question more or less discussed during the canvass; and, if so, with what effect, so far as your observation was concerned; were they favorable or unfavorable to Mr. Duffy?—A. I think they were unfavorable.

136. Q. Did you not also understand that by these practices, if true, a great wrong had been inflicted upon the rights of the Academy at Mexico, the Normal School in Oswego, Falloy Seminary at Fulton, and that much feeling resulted from those exposures in the vicinity of those institutions?—A. If true, a great wrong was practiced upon those institutions, but as regard the feelings in vicinity of those schools, I know nothing about it.

137. Q. Did you know of prominent Democrats in this part of the county who refused to support Mr. Duffy upon the financial issue?—A. Yes, I do.

138. Q. You may name some of those whom you can recall within your own town.—A. Milo Jones, Lyman A. Gaylord, Wm. Jura, Sam'l

Crippin, Wm. H. Dillenbeck, Jacob Dillenbeck, Thos. N. Hall, Hiram Colburn.

139. Q. Did you hear Dr. J. N. Betts speak on the subject; and, if so, what did you hear him say?—A. I can't say. I had a conversation with him; he gave me to understand that he was not favorable to the election of Duffy, and also his son Albert gave me to understand that he was not favorable to him.

140. Q. Was Mr. Betts one of the prominent Democrats of this town?—A. Yes; has been supervisor and Democratic candidate for member of assembly.

141. Q. Did you hear Wesley Wood speak on the subject?—A. The main thing was, he would not vote for him on account of fraud in the regents' examination years ago, and did not like the idea of Democrats adopting him as their candidate.

142. Q. Was Mr. Wood known as a prominent Democrat?—A. Yes; he was.

143. Q. Did you hear Mr. Hall criticise his nomination?—A. Yes; he said he did not think he would vote for Duffy, because people told him that Duffy was not an honest man. They told him that he had committed a fraud in the regents' examination several years ago. This was on the Sunday before election.

144. Q. Did you see Mr. Duffy at the polls on election day; if so, what was he doing?—A. I did, and in district No. 2 peddling Greenback ballots.

145. Q. Was Mr. Hall, of whom you have spoken, one of the prominent Greenbackers of the town?—A. Yes.

146. Q. Did you hear estimates or know of estimates being made shortly before the election with reference to Judge Mason's probable majority in Oswego County; and, if so, was that estimate greater or smaller than the majority proved to be after the election?—A. I have heard estimates made of his majority, but can't say what it was.

147. Q. Was not that estimate placed as high as 1,500 or 1,800?—A. I can't say.

148. Q. Is it not true that considerable many Democrats, as you understand, declined to vote for either candidate for Congress, on the ground that there was no Democrat in the field?—A. Yes.

#### Cross-examined by contestant:

149. Q. Do you not know that Mr. Duffy has the reputation of having uniformly voted the Democratic ticket up to the year 1878?—A. I don't know. I never saw him handle a ticket before last fall. I suppose him as much a Democrat as Prohibitionist. I did not understand that he voted uniformly the Democratic ticket.

150. Q. Do you know of his having voted any other than the Democratic ticket at any general election up to 1878?—A. No.

151. Q. Did you ever hear of his voting any other than the Democratic ticket at any general election previous to 1878?—A. Yes; in the fall of 1875, when I was a candidate for member of assembly, I understood he voted the Prohibition ticket.

152. Q. Who was the Prohibition candidate?—A. Albert Potter.

153. Q. Who told you that Duffy voted the Prohibition ticket?—A. I can't tell; I don't know.

154. Q. At any other time did you hear of his voting any other than the Democratic ticket?—A. No.

155. Q. In what class of persons did he lose votes on account of his prohibition views?—A. Hotel-keepers and druggists, saloon-keepers



and laborers, and think he lost some through the county among all classes of persons.

156. Q. Are you specially acquainted with the hotel-keepers' views?—A. Yes; as I have boarded at the hotel.

157. Q. Do you draw your views from the proprietors of the hotel where you boarded?—A. No.

158. Q. Do you draw your views from the proprietors of other hotels than that where you boarded?—A. No.

159. Q. Did you ever hear the proprietor of a hotel say he would not vote for Duffy on account of his prohibition principles?—A. I heard a man, Boyd, of Mexico, say so.

160. Q. Any other Democrat.—A. Yes; Crippin.

161. Q. Is Boyd a Democrat?—A. He said he was, but would vote for me; also Snell, of Parish, also told me he would not vote for Duffy; he is a Democrat.

162. Q. Will you state to me whether the Democratic platform was in favor of the immediate resumption of specie payments in 1878?—A. It favored resumption.

163. Q. Do you say it was a Democratic measure to resume specie payments January 1, 1879?—A. I don't say it was wholly a Democratic measure, but Democrats favored it.

164. Q. Did not Tilden write a letter that was published in answer to his acceptance for the nomination of President favoring the repeal of the resumption act?—A. Don't recollect ever seeing such a letter.

165. Q. You do not then understand that it was Tilden's position that the resumption act should be repealed?—A. I don't think it was.

166. Q. Was not the resumption act passed in spite of the Democrats instead of with their aid?—A. I think some Democrats voted for the bill.

167. Q. Were you in the habit of reading the leading Democratic papers of the State in the summer and fall of 1878?—A. Some.

168. Q. What leading Democratic paper were you in the habit of reading?—A. The Sun, the New York Herald, and Daily Palladium. I read the World occasionally.

169. Q. Do you call the New York Herald a leading Democratic paper?—A. Yes.

170. Q. What other leading Democratic paper have you read frequently?—A. Sometimes see and read the Journal of Commerce and Syracuse Courier.

171. Q. I understood you to say that all the papers in the county commented unfavorably in reference to the nomination of Mr. Duffy?—A. I have not said so.

172. Q. You do not wish to be understood as stating that all the papers commented unfavorably on Mr. Duffy's nomination?—A. I don't wish to be understood so.

173. Q. Don't you know that all the Democratic and all the Greenback papers commented favorably on his nomination?—A. Yes; after the nomination.

174. Q. Don't you know that there was five Greenback papers in the county?—A. I only know of three; have heard of more.

175. Q. How many Democratic papers do you know of in this county?—A. All I know of is two, the Palladium and one Fulton paper. If more I don't know of them.

176. Q. Was this speech that you have reported here to-night as made by Mr. Duffy last summer delivered before or after his nomination by the Democratic party as member of Congress?—A. After.

177. Q. How long after?—A. About two weeks before election; very soon after his nomination by the Democrats.

178. Q. Do you wish to be understood as saying that Mr. Duffy charged that the Democratic party was a corrupt party on that occasion?—A. Yes; as I understood him.

179. Q. Did you understand that Duffy was seeking Democratic votes?—A. Yes.

180. Q. And you think that he expected to win them to vote for him by calling them corrupt?—A. I don't know his motive only as he expressed it there.

181. Q. Did he use the word corrupt?—A. I could not say he did.

182. Q. Will you swear that he said on that occasion that the Democratic party was not fit to rule?—A. Yes.

183. Q. And still in that very speech was he speaking to a mixed audience composed partly of Democrats, partly Republicans and Greenbackers?—A. Yes.

184. Q. Will you swear that he said on that occasion that the Democratic party was dishonest?—A. Yes, in substance.

185. Q. Will you please use the words that he did?—A. He said both the old parties were dishonest and impure.

Adjourned to 9 a. m., April 16, 1879.

Wednesday morning. Parties present as before.

Cross-examination continued:

186. Q. Was the Greenback element stronger in this assembly district than in the other districts of the county?—A. I don't know.

187. Q. Don't you know that there was a Greenbacker elected to the assembly in the second district?—A. I heard so.

188. Q. If you don't know what the feeling was in the other assembly district, why did you say there was a strong local opposition to the greenback issue in this assembly district?—A. I know the feeling in this district.

189. Q. Then you did not mean that it was stronger in this assembly district than in the other?—A. I heard that it was stronger here than in the second, but not so strong as in the first.

190. Q. Have you any personal knowledge of what you call the alleged crookedness in the examination of students?—A. No.

191. Q. Have you any personal knowledge of any dishonest practices by Mr. Duffy in the examination of students?—A. No.

192. Q. How long had Mr. Duffy been here when this slander was promulgated against him as principal of the academy?—A. About a year.

193. Q. Who was the principal immediately preceding Mr. Duffy?—A. William Congdon.

194. Q. Who before him?—A. N. B. Smith.

195. Q. Do you know the number of students in the academy under the administration of Congdon, Smith, and their predecessors?—A. No.

196. Q. Do you know the fact that soon after Mr. Duffy assumed the principalship of the academy the attendance was largely increased?—A. No, I did not know it.

197. Q. Did you hear that that was the fact?—A. I heard to the contrary.

198. Q. Did you hear that it continued to run down?—A. I heard but little about it.

199. Q. But you did hear about the certificates?—A. Yes, I did.

200. Q. You have never heard that the school increased in prosperity under Mr. Duffy?—A. No; I never did.

201. Q. And you don't understand that to be the fact?—A. No; no such thing.

202. Q. Do you think your information on that question is as reliable as that about the certificates?—A. That was hearsay. I say they are both reliable.

203. Q. Do you think one is more reliable than the other; if so, which?

(Objected to as immaterial.)

A. I cannot discriminate.

204. Q. Do you mean, then, that each is equally reliable in your judgment?—A. Yes.

205. Q. You said that you understood that several years ago, during the regents' examination, there were several fraudulent or illegal certificates obtained for students that were not legally entitled to pass the examination. Who did you understand issued those certificates?—A. I don't know, but understood they were issued at the instance of Mr. Duffy.

206. Q. Did you understand who issued them at the instance of Duffy?—A. No.

207. Q. Do you know whose duty it was to sign those certificates?—A. I suppose it the duty of the examining committee.

208. Q. Do you know who were the examining committee that year?—A. I don't know.

209. Q. Was not that committee composed of the Rev. James Douglas, Rev. M. V. Willson, and O. A. Forbes, then school commissioner of this district?—A. I don't know.

210. Q. You say you saw the agent here; what agent?—A. The representative of the regents university.

211. Q. Do you know the fact that all the academies of the State are subject to visits of the regents of the university?—A. I don't know.

212. Q. Do you know or did you hear that the representative that visited here visited other academies in this vicinity?—A. I don't know.

213. Q. You say that you heard that the regents ordered a re-examination?—A. I heard so.

214. Q. Who told you so?—A. I can't tell.

215. Q. Then the first you heard of it was during the canvass?—A. I had heard of it frequently.

216. Q. When had you heard of it previous to the canvass?—A. I don't know.

217. Q. Can you state any individual who you heard state there was a re-examination?—A. No; I can't give the names previous to the canvass.

218. Q. How came you to understand that each of these certificates entitled Mr. Duffy to \$10?—A. Former professors of the academy told me; Mr. Smith and Mr. Owens.

219. Q. This was told you before Mr. Duffy was principal of the academy?—A. Yes.

220. Q. Told you by Mr. Smith, one of the attorneys of Mr. Mason?—A. Yes.

221. Q. You was asked this question: during the fall campaign was the question of Mr. Duffy's fraudulent examinations and certificates a subject of much unfavorable comment in the papers of this county, and your answer was, "Yes; I saw it mentioned in all the papers." Do you

mean that you did see it in all the papers ?—A. I refuse to answer yes or no, and I will say yes and no.

222. Q. Did you see any unfavorable comments upon that question in the Oswego Palladium ?—A. I think I did not.

223. Q. Did you read any unfavorable comments on that question in the Parish Mirror ?—A. No.

224. Q. Did you see any unfavorable comments on that question in the Fulton Times, Phoenix Register, Lake Side News, or Oswego Morning Sun, or the Hannibal Register, or the paper published at Central Square ?—A. No.

225. Q. How did you understand that Duffy's practices, if true, should work a great wrong to the rights of the academy at Mexico, Falley Seminary at Fulton, the Normal School at Oswego ? How could they be wronged ?—A. By drawing students from them who would have more hopes of passing the regents' examination more readily here than at Mexico, and therefore this academy getting more than its legal share of the literature fund.

226. Q. Do you understand that a student receives any pecuniary benefit from passing the regents' examination ?—A. No.

227. Q. Is it necessary for a student to pass the regents' examination to enable him to pursue studies of a higher grade than that prescribed for the regents' examination ?—A. I don't know that it is ; but it is a recommendation to have a regents' certificate to enter the higher branches.

228. Q. Do you know whether the Oswego Normal School is entitled to participate in the distribution of the literature fund ?—A. I have heard so, but don't know.

229. Q. Do you know what an academy must conform to to be under the visitation of regents and to be entitled to participate in the distribution of the literature fund ?—A. No.

230. Q. Do you know whether the normal school at Oswego is subject to the visitation of the board of regents ?—A. No ; I don't know anything about it.

231. Q. If you do not know, why were you so ready to swear that that institution would suffer a great wrong by the practices of Mr. Duffy ?—A. When Mr. Lamoree asked me the question if the Oswego Normal School would be greatly wronged, I answered under an impression that it was the high school he had reference to.

232. Q. Do you know that the Oswego High School is subject to the visitation of the board of regents ?—A. I don't know personally.

233. Q. Do you know, of your own knowledge, whether Milo Jones voted for Duffy or not ?—A. I don't know.

234. Q. Or Lyman Gaylord ?—A. No.

235. Q. Or William Jura ?—A. No.

236. Q. Or Jacob Dillenbeck ?—A. No.

237. Q. Or Thomas N. Hall ?—A. Yes.

238. Q. Or Hiram Colbums ?—A. No.

239. Q. Or James W. Betts ?—A. No.

240. Q. Or Albert Betts ?—A. No.

241. Q. Or Wesley Wood ?—A. No.

242. Q. Or any other Democrat ?—A. No.

243. Q. Was Thomas N. Hall a Democrat ?—A. Yes.

244. Q. Previous to the Greenback movement what were the politics of Mr. Hall ?—A. A Republican.

245. Q. Did you detail to Mr. Hall on the Sunday before election this slander about Mr. Duffy ?—A. I think I did not.

246. Q. Will you swear positively that you did not detail to him these slanders about Mr. Duffy?—A. Yes; I will.

247. Q. Did you see Mr. Duffy, at the polls of district No. 2 of this town, distribute Democratic votes?—A. No.

248. Q. Do you know how Mr. Hall voted, of your own knowledge?—A. No; I saw Duffy give him a Greenback ticket.

249. Q. What Democrat, do you understand, did not vote for either candidate for Congress?—A. Mr. Dillinbeck.

250. Q. Who else?—A. I think S. A. Palmer; he told me he would not.

251. Q. What other Democrat did not vote for either candidate?—A. Milo Jones; I don't know any other.

252. Q. Do you understand Jacob Dillinbeck voted for Mason?—A. I don't know anything about it.

253. Q. Do you understand that any of Democrats named voted for Mason?—A. Yes; I so understood.

254. Q. What Democrats named by you did you understand voted for Mason?—A. I don't know.

255. Q. What particular Democrats named by you do you understand voted for Mason?—A. J. N. Betts, H. Colburn, S. Crippin, and A. F. Betts.

256. Q. Who told you that J. N. Betts voted for Mason?—A. Mr. Hawley told me; I heard him say so last week.

257. Q. Did you ever hear Hawley say so before last week?—A. I think I have.

258. Q. When did you hear him say so before last week?—A. Cannot state the place.

259. Q. Can you state the place?—A. No.

260. Q. Can you state what person was present when you had such conversation with Hawley?—A. Cannot.

261. Q. Don't you understand that for some time past, several years, that Hawley and Betts have not been on speaking terms, except to quarrel?—A. I didn't understand it; I will say yes or no.

262. Q. Have you seen them quarrel?—A. Yes.

263. Q. You say you are serving your second term as one of the judges of the county of Oswego; please name the name of your office.—A. Special county judge of Oswego County.

264. Q. Do you, by virtue of your office, have jurisdiction to try cases?—A. I have in case of sickness, or disability, or death of the county judge.

265. Q. Were you ever nominated a second time for member of the assembly?—A. No.

266. Q. Are you a tax-payer?—A. No.

267. Q. Are you a married man?—A. No.

268. Q. Do you know anything in relation to the use of money in support of any of the Republican candidates for officers at the last general election?—A. Not a mill.

269. Q. Have you heard or been informed that any money was used in aid of the election of the Republican candidates or any of them last fall?—A. No.

270. Q. Do you know who the Republican town committee was last fall?—A. No; I don't recollect.

271. Q. Did any member of the Republican county committee reside in this village?—A. Yes; A. A. Maltby.

272. Q. Have you been subpoenaed here to-day?—A. Yes.

273. Q. Have you received your fees?—A. No.

Redirect by LAMOREE :

274. Q. You have been asked if you are a single man ; was not the last Democratic President as well as the last nominee of that party for the Presidency also single gentlemen ?—A. I understand they were.

275. Q. You may name any other prominent Democrats within the town of Richland whom you understand withheld their support from S. Duffy, and whose names you have recalled since your cross-examination commenced, if any.—A. John Hohman, Albert Wright, and Hiram Bettinger.

276. Q. And were the two last, both of them, hotel-keepers ?—A. Yes.

277. Q. You may name any others you think of.—A. Alvaro Bettinger, William Morton.

278. Q. Did you hear of any money being used by S. Duffy or his friends to advance his interest at the last election ?—A. No.

Recross :

279. Q. When did you hear that John Hohman did not vote for Duffy ? —A. He told me so to-day and yesterday.

280. Q. Has he been in the office to-day ?—A. Yes.

281. Q. Do you know of any reason why he was not called, instead of asking you to prove a thing by hearsay ?—A. I don't know any reason.

282. Q. Have you talked with Albert Wright about how he voted, since the election ?—A. Yes ; to-day.

283. Q. You got your information from him then ?—A. Not all of it to-day.

284. Q. Did you ever know before to-day that he had not voted for Mr. Duffy ?—A. No.

285. Q. Do you know now, of your own knowledge, that he did not vote for him ?—A. No.

286. Q. Mr. Wright is a liquor seller, is he not ?—A. No.

287. Q. He was in 1878, was he not ?—A. I don't know.

288. Q. Do you understand or has he the reputation of having been a liquor seller last year ?—A. I have heard that he was.

289. Q. Bettinger was also a liquor seller in 1878 ?—A. I think he was not.

290. Q. Did he have the reputation in 1878 of selling liquor ?—A. I did not hear it.

291. Q. Was he indicted and convicted of selling liquor in 1878 ?—A. I understand so.

292. Q. He keeps and owns a hotel ?—A. Yes.

293. Q. That William Morton you spoke of, is he not a fisherman and one of the best customers of Bettinger ?—A. I never understood him to be a customer of Bettinger.

294. Q. Did you ever hear that it was believed on the part of Democrats, or that it was reported, that the vote of the starch factory at Oswego was usually given on important elections in favor of the Republican candidates ?

(Objected to as immaterial and incompetent.)

A. I have heard it said so, but not heard that it was believed.

295. Q. Have you heard it charged or said that the vote of the starch factory was usually Republican ?—A. I have heard it both ways ; do not recollect.

Redirect :

296. Q. Did you ever hear of a Republican or Democrat who was foolish enough to place any credit whatever in the assertion that the starch-factory vote in the old Democratic 5th ward in the city of Oswego

were unduly influenced to vote the Republican ticket ?—A. I never saw any that claim to credit any of the stories.

Recross :

297. Q. You had heard there, were stories of that kind or character ?—A. I have.

298. Q. And those stories have been current for many years ?—A. Yes; for some years.

299. Q. You say you never saw any one that claimed to believe the stories, or did you ever hear a Democrat say he disbelieved them ?—A. I don't recollect.

Redirect :

300. Q. I understand you to say that you have heard Democrats say they discredited those rumors, but that you are not at this time able to give the names of the persons ?—A. That is true.

Recross :

301. Q. When did you hear that ?—A. I don't know; recently and some time ago.

302. Q. Recently what Democrat did you hear say it ?—A. I don't know.

303. Q. Where did you hear them say it ?—A. In the Salmon River House in this village.

304. Q. Who was present ?—A. I don't know.

305. Q. Were many present ?—A. Yes, there were.

306. Q. Can you name a single person who was present at that time ?—A. No.

307. Q. Was there much said about it on that occasion ?—A. I don't remember.

308. Q. Did any Republican on that occasion say that he did not credit it ?—A. I said so.

309. Q. Did any other Republican except yourself say that he discredited it ?—A. I don't recollect.

JOHN PRESTON.

Subscribed and sworn before me this 15th day of April, 1879.

JOHN T. McCARTY,  
Notary Public.

*Deposition of A. A. Maltby.*

ALBERT A. MALTBY, duly sworn.

310. Question. What is your age, residence, and occupation ?—Answer. Age, 35; residence, Pulaski; occupation, a mason.

311. Q. Were you a member of the Republican county committee during the canvass of 1878 ?—A. Yes.

312. Q. Did your committee receive any contribution of money from Judge Joseph Mason; and, if so, how much ?—A. He was assessed by the committee \$200 and paid it.

313. Q. Have you knowledge with reference to his having paid or furnished any other contribution for political purposes in the county of Oswego ?—A. No; I have not.

314. Q. Were your relations to the committee, and your efforts such in the conduct of the campaign that you would have known or been likely to have known if any considerable contributions from any source had been made to advance the interest of Judge Mason ?—A. Yes; I think I should have known it.

315. Q. What was the amount of money which came into the hands of the committee from every source, as near as you are able to give the same?—A. About \$1,300.

316. Q. Was it over or under \$1,300?—A. My impression is that it was a trifle over; not to exceed \$10 or \$15 over.

317. Q. For what purposes was this money employed by the committee?—A. Ordinary expenses of conducting the campaign, viz: Speakers, advertising meetings, railroad fare, livery, telegraphing, paying for halls, printing, &c.

318. Q. Were meetings held generally over the county?—A. Yes.

319. Q. Which is the most easterly town in the county, and which the most westerly?—A. Redfield easterly and Hannibal westerly.

320. Q. What is the distance from the eastern line of the county to the western?—A. I think about 52 miles or more.

321. Q. How many miles from the extreme north line to the extreme south line of the county?—A. About 34 miles.

322. Q. Do you know from what sources this money was derived?—A. Yes.

323. Q. You may state.—A. The assessments were upon the officers who were in office, and those who were candidates for office, both Federal, State, and county.

324. Q. I suppose some of them paid and some did not.—A. Some did not pay; about 70 per cent. of the assessment was paid.

325. Q. Do you know of one dollar having been used, directly or indirectly, for the purposes of purchasing votes or corrupting the election?—A. No, sir.

326. Q. In your office of committeeman, and the conduct of the campaign, were you brought in contact with the people of the county, and did you acquire a knowledge with reference to the political situation and of the public pulse then extant in a political sense throughout the county?—A. I did to a certain extent.

327. Q. You may state what you discovered or may know with reference to the feeling shortly before the election in Democratic circles touching the candidacy of S. Duffy for Representative in Congress.—A. What I saw or heard in relation to the candidates was limited, and would relate mostly to this and the eastern towns.

328. Q. You may name those towns in which your observations were more general.—A. Sandy Creek, Boylston, and Redfield mostly, some in Williamstown and Albion.

329. Q. In those towns did you find the Democracy divided in their support of Mr. Duffy?

(Objected to as incompetent and immaterial.)

A. I did find it so.

330. Q. State your observations in the town of Redfield, and how long it was before election.—A. I went to Redfield the day before election. I was asked by several of the Democratic party for split tickets with Mason's name in, or for pasters for him. I went there with the Republican tickets for that town.

331. Q. Did you learn why it was that those Redfield Democrats were opposed to Mr. Duffy? If so, state.

(Objected to that the question improperly assumes that the Redfield Democrats were opposed to Mr. Duffy, and that the witness knows.)

A. Yes; they did not like the idea of adopting the Greenback candidate, did not like the principles of the Greenback party, and they supposed Mr. Duffy was a Greenbacker, and they had rather be beaten if they could not find a suitable candidate in their own party.



332. Q. Did you talk with Andrew S. Coey?—A. No; I did not.

333. Q. Did you learn his position touching his support of Mr. Duffy?  
(Objected to as not the best evidence; Mr. Coey is noticed to be here as a witness at the instance of the contestee.)

A. I learned it so far as I could by remarks of others, but have no personal knowledge.

334. Q. Did you see Mr. Coey on that occasion?—A. I did not.

335. Q. You may state what you learned from Mr. Coey's townsmen and neighbors as to his position as to Mr. Duffy.

(Objected to as hearsay; it is no evidence.)

A. I learned from some men there that Coey was opposed to Mr. Duffy.

336. Q. And was Mr. Coey at that time the Democratic supervisor in and for that town, and also one of the side judges of the county?—A. Yes.

337. Q. Has he repeatedly represented that town in the board of supervisors?—A. Yes; I know of two terms; he may have served more, but I don't know it.

338. Q. Is he not, as you understand, the leading and foremost Democrat in that town?—A. Yes.

339. Q. Was he not a candidate on the Democratic ticket at that time for the office of justice of sessions, as opposed to Edmond Potter, the Greenback candidate?—A. Yes.

340. Q. Did you also understand that this feeling of opposition to Mr. Duffy on the financial issue was quite general among the Democrats of that town?—A. I did.

341. Q. Did you frequently meet during the campaign with the other members of the county committee and talk over the situation of the campaign?—A. Yes; we did.

342. Q. Was it not the prevailing sentiment of the committee, in view of the general divisions existing in the Democratic party on the financial question, that Judge Mason would receive a large majority in the county of Oswego, or a majority much larger than he did?

(Objected to as hearsay, improper, incompetent, and entirely unreliable.)

A. Yes.

343. Q. What did you know with reference to a like division among the Democrats of your own town upon the financial question and the support of Mr. Duffy?—A. I heard quite a good many Democrats express themselves as opposed to Mr. Duffy.

344. Q. And did you not learn from your association with other members of the committee that this disinclination to support Mr. Duffy among the leading Democrats of the county was coextensive with the county?

(Objected to on the ground that it is not true as assumed by the question, and incompetent.)

A. I can recall the expression of those two committeemen, viz, Mr. Huntington of Mexico and White of Williamstown.

345. Q. You may give their expressions upon that subject.

(Objected to that it cannot by any rule of evidence be admissible, whatever the conversation might be as against Mr. Duffy or in favor of Mr. Mason. Notaries disagree.)

A. They did not consider that Mr. Duffy would run well in their locality and would not get anything like the whole Democratic vote.

346. Q. And did you learn before the election that the same feeling existed, only to a greater extent, in the city of Oswego where there

were banking institutions and other moneyed institutions, the especial objects of assaillment by Mr. Duffy and the Greenback party in their attacks upon capital ?

(Objected to on the ground that there are too many propositions included in it, placing in the witness's mouth a large number of assumed facts which he is required to swear to by a single syllable; the witness should be permitted to use his own language, and not the language of counsel as is attempted in this case.)

A. I did understand that there was a strong opposition by some of the Democrats in the city of Oswego.

347. Q. Did you hear their names mentioned ?—A. I might, but don't remember so as to give them now.

348. Q. Had Mr. Duffy taken an active part in politics at any time prior to the development of a desire on his part to go to Congress last summer ?—A. I never knew him to do anything but vote.

349. Q. And did you then understand him as having allied himself with the Greenback party ?—A. I did so understand.

350. Q. And did you learn of his speaking at different places in advocacy and defense of the Greenback platform or the principles of that party ?—A. I have heard that he did; I have never attended a Greenback meeting myself.

351. Q. Did you ever know of his making a political speech up to the time he took the stump in the interest of the Greenback party ?—A. No.

352. Q. You may give the names of some of the prominent Democrats in your town who you understood withheld their support from Mr. Duffy.—A. I heard Doctor Beth say that he would not support him, and since the election, that he did not vote for him. I heard his son say that he should not vote for him; I heard Wm. Dillenbeck say he would not vote for him. I think I have heard John Daily say he would not vote for him. I have understood that T. Crippin was strongly opposed to him. I have also heard that S. A. Palmer was opposed to him. I don't think of any more.

353. Q. And have you reason to believe that there were Democrats in your town that did not vote for either candidate for Congress ?—A. Yes; I think I do.

354. Q. How many polling districts are there in the town of Richland ?—A. Two.

355. Q. Will you look at this poll-list for district No. 1, and name the Democrats whose names appear thereon but who did not vote for member of Congress ?

(Objected to as not being competent evidence )

A. Willis Peck, Thos. J. Bumpus, Thos. Coleman, Wm. Andrews, Milo H. Abbott, Thos. C. Baker, Wm. H. Dillenbeck, F. S. Lowe, Joseph Clark, jr., Albert Wright, Peter Martin, jr., M. D. Cornwell, James Grady.

356. Q. Do you know the handwriting of John T. McCarty ?—A. Yes.

357. Q. Was he clerk of district No. 1 ?—A. Yes.

358. Q. Is he the same that is now acting as one of the notaries in this case ?—A. Yes.

359. Q. And is the list from which you have read in his handwriting ?—A. Yes.

360. Q. Will you look at this book ?—A. Yes.

361. Q. What book do you now hold in your hand ?—A. Poll-list of district No. 2, general election town of Richland, November 5, 1878.

362. Q. In whose handwriting is it?—A. I don't know.

363. Q. Do you know who was the clerk of the board of inspectors of election at the time this book was made?—A. Jerome Perry.

364. Q. And is his name and certificate subscribed at the close of the list?—A. It is.

365. Q. You may examine the list and designate the Democrats whose names shall appear therein and who failed to vote for Representative in Congress.—A. Noble Valentin, Hiram Bettinger, Daniel Rose. That is all I know to be Democrats.

366. Q. Do you not find the name of B. Bumpus?—A. Yes.

367. Q. And do you not understand that he is a Democrat, and have you not heard it so stated?—A. I don't know that I ever heard that he was a Democrat or Republican.

368. Q. And is the same true with reference to George Niles?—A. Yes.

369. Q. And of C. W. Nichols?—A. I don't know his politics.

370. Q. Do you not know that Pierce Kane and Mr. Darrow, who failed to vote the Congressional ticket, were also Democrats?—A. Mr. Kane I don't know, Mr. Darrow I do.

371. Q. What is his politics?—A. I suppose him to be a Democrat.

372. Q. How do you account for so many Democrats who came to the polls and voted in Mr. Duffy's own town declining to vote the Congressional ticket?

(Objected that the witness does not know that the persons named voted or declined to vote for member of Congress, and as to a considerable portion of them, as appears, he does not know their politics, and it is not necessary for the purposes of this investigation that witness should account for any vote or how it was cast, and his views are not important on that question.)

A. I think with a portion of them it was personal differences, and with others a disinclination to vote for the Greenback candidate.

373. Q. I suppose you are unable to state how far the same influences induced Democratic voters in your town to cast a Congressional ballot in favor of Judge Mason and resumption except so far as the canvass of the vote discloses, unless in individual cases, as you have mentioned?—A. That would be as far as I could say.

Cross-examined by Mr. KING, for contestant:

374. Q. You said on your direct examination that Mr. Mason paid the Republican county committee \$200. Can you swear that he did not pay other members of the committee other money besides the \$200?—A. Seeing you have asked it, I will swear positively that he did not.

375. Q. Do you know of your own personal knowledge that Mason did not furnish any money for political purposes to Mr. White, whom you have stated to be a member of the Republican county committee, other than the \$200 you claimed to have been paid the committee?—A. I do know it.

376. Q. Do you know that you have been personally present at every interview which Mr. White had with Mr. Mason during the campaign last fall?—A. I do not know that I was present at every interview he had with Mr. Mason.

377. Q. Do you understand that White had interviews with Mason—one or more—during the campaign last fall at which you were not present?—A. I do not know.

378. Q. Do you know whether any money passed between Mason and White at any such interview when you were not present?—A. Yes; certainly I don't know it.

379. Q. How came you, then, just now to swear that you knew of your own knowledge that Mason did not furnish any money for political purposes to Mr. White?—A. I testified to that effect because I believed what I said.

380. Q. Do you now say you did not know it personally and of your own knowledge?—A. According to my understanding of personal knowledge, I should answer as before.

381. Q. Do you desire your testimony which you have given on the part of the contestee to be interpreted under such a rule as that?

(Objected to as not a fair question, and insulting to the witness.)

A. Yes.

382. Q. Was a portion of the fund of about \$1,300 apportioned in part by the Republican committee to the town of Richland?—A. Yes; but no specified portion.

383. Q. How much money was appropriated to this town for use in election purposes?—A. I can't tell exactly.

384. Q. Can you tell approximately?—A. The money was mostly used before election-day.

385. Q. About how much money was appropriated by the Republican committee of this \$1,300 to be used in this town?—A. It was originally intended by the committee to reserve \$25 for each town and ward to be used on election-day to get out voters and other usual expenses of that day.

386. Q. Were there any other specific appropriation made for this town aside from the \$25 appropriated to each town and ward?—A. There was no specific appropriation.

387. Q. As to this \$25, when was it brought into this town?—A. I can't tell. I had a hundred or two dollars to use in this and other towns.

388. Q. How many hundred dollars did you have in your hands during the campaign to be used for election or campaign purposes?—A. Perhaps \$300.

389. Q. What towns were particularly assigned to your supervision?—A. Richland, Sandy Creek, Boylston, Redfield, Orwell, Albion, and Williamstown.

390. Q. Do you know how much money was placed in White's hands?—A. Yes.

391. Q. How much?—A. Mr. White was allowed to use to defray his expenses traveling through the county and making speeches, the amount of Mr. Steel's assessment, viz, \$100 or less.

392. Q. Did he have any other money placed in his hands by the county committee?—A. Yes; a little, about \$20, I should think, and the committee paid him about \$30.

393. Q. How much of the \$300 placed in your hands had you expended before election-day?—A. I had expended all of it and more.

394. Q. Do you mean that you had expended the \$25 that was appropriated by the county committee for election purposes?—A. No; I don't mean that I had.

395. Q. Then, if you had not, it was then on hand?—A. Yes, I had perhaps \$100 of campaign funds on the morning of election-day.

396. Q. How much had you on hand of this campaign fund on the day after election?—A. I had the most of it.

397. Q. How much four days after election?—A. I could not tell.

398. Q. Had you any considerable amount on hand four days after election?—A. I think not.

399. Q. Did you pay out any of the \$25 appropriated to election-day expenses on that day?—A. Not much of any.

400. Q. Then, do you wish to say that you did not appropriate the \$25 as provided by the county committee?—A. I do not wish to say any such thing.

401. Q. Did you appropriate the \$25 appropriated for this town by the Republican county committee for the purpose you have said it was assigned or provided by such committee?—A. Yes, and no.

402. Q. Did you pay out any money on election-day in this town?—A. Yes.

403. Q. To whom did you pay money on election-day?  
(Objected to as no part of the cross-examination.)

A. I paid a young man \$1 for folding votes.

404. Q. What other money did you pay out on that day?—A. I can't think of any. I did not pay my bills until after election.

405. Q. Did you on election day contract any bills that you did subsequently pay?—A. No, I don't think I did; but I gave order to go to the livery and get teams to go for voters if they were needed, and after election I paid the bills.

406. Q. To whom did you give orders?—A. I told N. B. Smith, W. P. Outterson, and Doctor Bradner.

407. Q. Are those all the debts you contracted on that day?—A. Yes.

408. Q. Did you make any promise on that day, either personally or on behalf of any other person or persons, to pay any money to any one aside from what you have stated and aside from your individual debts unconnected with the election expenses or interests?

(Objected to as not pertaining to the cross-examination.)

A. No.

409. Q. Was there any money used or any expense incurred by you on last election day for the purpose of bringing to the polls poor and disabled voters?—A. I don't think there was.

410. Q. Did you pay or expend any money or any expense for bringing other votes besides poor and disabled votes?—A. No, I don't recollect of any.

411. Q. Had you, previous to the election, made any arrangements with Doctor Bulkley, the present sheriff, in relation to paying money or expending money in the late campaign?—A. No, sir.

412. Q. Did you make any arrangements with him in relation to the campaign whatever?—A. No, I don't know that I did.

413. Q. Do you know that you did not?—A. I made several arrangements with him, Bulkley, about the campaign.

414. Q. Was there any part of those arrangements or understanding or agreements, express or implied, that in case of his success you should be appointed to a position under him?—A. No, sir.

415. Q. Or that any other person should be appointed to a position under him?

(Objected to as immaterial; not relating to the issues involved.)

A. He made no arrangements with me for the appointment of any other person.

416. Q. Did he make an arrangement in your presence for the appointment of another person to a position under him, Bulkley?

(Objected to as immaterial and incompetent.)

A. Yes, he did.

417. Q. How long was that before election?—A. Two or three days.

418. Q. Did that arrangement involve the use of any money?—A. No, I am sure.

419. Q. Did that person agree to expend any money in the campaign?—A. No.

420. Q. Did either you or that other person receive any money from Doctor Bulkley?—A. No.

421. Q. Did you or any other person receive any money from Doctor Bulkley last fall to pay campaign expenses of any kind, to your knowledge?—A. Nothing but \$100 of his assessment of \$150.

422. Q. Do you know of any money being paid by Dr. Bulkley to any person during the campaign besides his assessment of \$150?—A. I do not.

423. Q. Did you ever hear of any being paid by him?—A. No.

424. Q. What office was it that Dr. Bulkley promised?

(Objected to as immaterial and incompetent.)

A. It was the position of jailer here in Pulaski.

425. Q. To what person did he promise that office?—A. William P. Outterson.

426. Q. Do you know of his having made any promise of the office of deputy sheriff in this village?—A. No, sir.

427. Q. Was not that office promised to you?—A. No.

428. Q. You say it was not promised, directly or indirectly?—A. It was not.

429. Q. Was the office of under sheriff promised to you, or any other office in the gift of Bulkley?—A. No.

430. Q. Have you and Mr. Outterson consulted together with a view of getting Mr. Bulkley indicted for having made use of money unlawfully in the late campaign?

(Objected to as immaterial and incompetent, and should be confined to matters previous to or at the time of the election.)

A. No; we have consulted together with regard to the promise he made to Mr. Outterson, and in regard to whether we could discover that he had used any money.

431. Q. Did you not in any consultation that you and Outterson had claim that there were transactions sufficient between him and you, or both of you, sufficient to sustain an indictment against him?

(Objected to as before, and for the further reason that contestant by immaterial examination to consume contestee's time and prevent further examination of important and material witnesses.)

A. We speculated more or less with regard to the probability of that promise being sufficient ground to make him some trouble.

432. Q. Was counsel employed with that view?—A. No, I don't think there was.

433. Q. Was counsel consulted?—A. Not to my knowledge.

434. Q. Did Outterson tell you that he had consulted counsel?

(Objected to as before.)

A. Yes, I think he did.

435. Q. Did you consult with any one else besides counsel with reference to that question whether Bulkley could be indicted or troubled about it?—A. Not to any extent.

436. Q. Did you at all?—A. We talked with a few people about it.

437. Q. With whom did you talk?

(Objected to as before.)

A. I think we talked a little with Mr. John Daily, with Dr. Betts, with James A. Clark, banker; with perhaps a few others. I think Outterson said he talked with R. L. Ingersoll about it.

438. Q. Were all these you have named Democrats?—A. Yes.

439. Q. Do you know John Vaughn?—A. I do. He is commonly called Jack Vaughn.

440. Q. Did you see him on election day ?—A. I don't recollect that I did.

441. Q. Do you know that it is reported that you paid him \$3 on election day ?—A. It is the first I have heard of it.

442. Q. Do you say that you did not pay him any money on that day ?—A. I do.

443. Q. Nor on the day preceding election ?—A. I don't know that I did or not, but if I did it was not connected with the election.

444. Q. Did you not state, or know, in any of these conversations about Bulkley that some eighteen voters in the village of Pulaski had received \$3 each as a consideration for supporting the Republican ticket or any part of it ?—A. No, sir.

445. Q. Haven't you stated on the street that you had bought Irish voters for \$3 apiece ?—A. No, sir.

446. Q. Did you not in those conversations about Bulkly matters say or insinuate that money was paid out for voters in the office of John Preston ?—A. No.

447. Q. What day was it that you was at Redfield's last, previous to election ?—A. On Monday. I went on there Sunday night.

448. Q. Did you carry the ballots there at that time ?—A. I did.

449. Q. Did you leave any money in the town of Redfield ?—A. I did.

450. Q. With whom did you leave any money ?—A. I don't remember his name; it was one of the town committee.

451. Q. How much did you leave with him ?—A. \$10 with him and \$10 with another Republican member of the committee.

452. Q. Where did you leave the other \$5 ?—A. I did not leave any.

453. Q. What Democrat did you talk with in Redfield, in relation to the political situation ?—A. I can't give any of the names.

454. Q. How do you know those persons with whom you talked were leading Democrats of that town ?—A. Only from what I heard and observed while there.

455. Q. Did you talk with J. S. Fleming ?—A. I think we stopped there at his house on our way home.

456. Q. You said that some of the Democrats in Redfield desired to get of you split Congressional tickets ?—A. Yes.

457. Q. How many Democrats wanted to get split tickets of that character ?—A. Quite a number.

458. Q. Do you know how many names were on the ballot on which Congress was voted ?—A. I think but one.

459. Q. Will you please inform us how you can split a ticket with one name on it ?—A. I meant Mason tickets in place of Democratic Greenback tickets.

460. Q. Did they want Democratic heading with Republican name of Mason in it ?—A. Yes, or pasters.

461. Q. You suppose, then, that the reason why they did not want to vote against Duffy openly was that among Democrats it would be unpopular ?—A. I did not suppose any such thing.

462. Q. Then did you suppose that they wanted tickets of that character for the purpose of deceiving voters and getting them to vote for Mason when they supposed they were voting for Duffy ?—A. Perhaps to a certain extent they did.

463. Q. To whom did you send any pasters ?—A. I don't send any; Dr. Nelson printed and sent them; I paid the bill.

464. Q. Now, will you tell me with what leading Democrat you talked talked in the town of Orwell ?—A. No, I don't remember.

465. Q. Can you state the name of any Democrat with whom you talked in the town of Oswell?—A. No.

466. Q. Then you don't claim that you are acquainted with any Democratic circle, or part of a circle, that enables you to determine the feeling of the Democrats in that town in relation to the nomination of Mr. Duffy?—A. No, I don't claim that I have had any personal conversation to any extent in that town with Democrats.

467. Q. Did you leave any money in the town of Orwell?—A. Yes, I think I left \$10 with Mr. Sawyer, and I paid some bills.

468. Q. How much did the bills amount to?—A. I can't tell.

469. Q. Did you leave any money there at any other time?—A. Not that I recollect; I don't think I did.

470. Q. What day was it that you were there?—A. Monday.

471. Q. What day was you in Boylston?—A. I was there Sunday afternoon.

472. Q. Did you deliver the votes that day and leave any money there?—A. Yes.

473. Q. How much money did you leave there?—A. I don't remember; it was either \$17 or \$20.

474. Q. Did you talk with any Democrats there?—A. I did, with one or two, but can't name them.

475. Q. How long was you in the town of Boylston?—A. I think a couple of hours; I was most of the time on the road.

476. Q. In that journey through Boylston you say you talked with one or two Democrats. Do you claim that in these conversations that you ascertained the voice of the Democracy of that town?—A. I don't claim any such thing.

477. Q. Do you claim that you ascertained before election, from Democratic circles in that town, that that town was divided in its support of Mr. Duffy?—Yes, certainly.

478. Q. From what Democrat in the town of Boylston did you learn it?—A. I don't recollect their names.

479. Q. Can you name a single Democrat in the town of Boylston as to the political issues?—A. I cannot, and have not claimed that I could.

480. On that same journey, at what time did you arrive at Sandy Creek when you were distributing votes and money?—A. I think about 11 a. m.

481. Q. How long did you remain in the town of Sandy Creek?—A. Long enough to get my buggy mended; perhaps a couple of hours.

482. Q. Was that on Sunday?—A. Yes.

483. Q. Did you converse with any Democrats in Sandy Creek that day?—A. No.

484. Q. Did you leave any money at Sandy Creek that day?—A. Yes.

485. Q. With whom?—A. I think it was George Salisbury, one of the town committee.

486. Q. How much did you leave with him?—A. I think \$20.

487. Q. Is that all the money you left in Sandy Creek for political purposes?—A. Yes.

488. Q. When had you been at Sandy Creek before?—A. I can't tell; I have been there twice within three weeks previous to election.

489. Q. Did you on either of those occasions talk with any Democrat on political matters?—A. No; not to any extent.

490. Q. How is it, then, that you could say that, from any information which you received in that town from Democratic circles, you found the Democratic party divided in their support of Mr. Duffy?

(Objected to because it alleges a fact not proven.)



A. From what information I received in that town from all sources and from what I observed, I did find a diversity of sentiment in regard to the support of Mr. Duffy by Democrats; that is all I have said and all I intended to say.

(Contestant objects to the answer as not responsive to the question.)

491. Q. Do you now claim that you did not intend on your direct examination to carry the idea that you got your information that the Democracy was divided touching the candidacy of Mr. Duffy from Democratic sources or circles in the town of Sandy Creek?—A. I did not intend to convey the idea that I derived my information in regard to any of those towns, except Redfield, from personal conversation with Democrats, except to a limited extent, unless it be the town of Richland.

492. Q. Then if I understand you with relation to Sandy Creek, you received your information from sources other than from conversations with Democrats in that town?—A. I received a share of my information from conversations with Republicans.

(Contestant says that is not an answer to the question.)

493. Q. Please answer the question asked?—A. I think I have answered it in my two last answers.

494. Q. Do you decline to give any other answer to the following question, viz: Then if I understand you with relation to Sandy Creek, you received your information from sources other than from conversations with Democrats in that town?—A. Yes.

495. Q. Will you swear that you talked with any Democrat in the town of Sandy Creek as to how he liked the nomination of Mr. Duffy?—A. I don't recollect of any.

496. Q. Can you say then that you derived any information from Democrats in that town; that the Democrats there or any of them were opposed to the nomination and election of Mr. Duffy?—A. I did hear a conversation between Dr. Bulkly and one Democrat on that day at Sandy Creek Junction in regard to Mason and Duffy; that is one of the Democratic sources from which I derived my information in reference to the Democrats of that town.

497. Q. What Democrat was that?—A. I think it was Tift, but am not certain.

498. Q. From what other source did you receive information from Democrats residing in the town of Sandy Creek as to the position of Democrats in relation to the nomination and election of Mr. Duffy?—A. Not any that I can now recall.

499. Q. Why do you say, then, that that was one of the sources from which you obtained information from Democrats in relation to that subject?—A. I say it because it was.

500. Q. Was there any other Democratic source besides this person whom you suppose to be Mr. Tift in that town from which you received information?—A. Not any other conversation that I can recall as having listened to from a Democrat.

501. Q. Can you now recall the name of any Democrat residing in the town of Redfield that you conversed with in relation to the nomination of Mr. Duffy?—A. I think I have said two or three times that I could not recall the names of any Democrats out of this town.

502. Q. Can you swear of your own knowledge that you talked with any Democrat of the town of Redfield in relation to the nomination and election of Mr. Duffy?—A. I didn't know that they were Democrats, except as I was told so at that time.

503. Q. Then you don't know that those supposed Democrats were

leading or representative men?—A. Only so far as I was told they were at that time.

504. Q. Was you told that by a Democrat or a Republican?—A. By a Republican, I think.

505. Q. Can you state the occupation of any Democrat with whom you talked in Redfield?—A. No, I cannot.

506. Q. Can you give me any other description by which any one of the supposed Democrats with whom you conversed may be identified?—A. No.

507. Q. Was there any one with you, who accompanied you on the journey to Redfield?—A. Yes.

508. Q. Who was that?—A. Dr. Bulkly.

509. Q. Was he the Republican candidate for the office of sheriff?—A. Yes.

510. Q. Did Dr. Bulkly on that occasion or while you were there in Redfield leave with any person any money?—A. I didn't see him leave any.

511. Q. Did you understand that he did leave money?—A. No, I did not.

512. Q. Will you now swear that you did understand that Mr. Bulkly did not leave any money there?—A. Yes, I did so understand.

513. Q. Do you swear that you had no conversation with Mr. Bulkly with respect to his leaving or having left money in the town of Redfield?—A. Yes, I will so swear.

514. Q. Can you state the name of any person, being a Democrat, from whom you learned the position of Andrew T. Coey, the late supervisor of the town of Redfield, touching the support of Mr. Duffy?—A. No.

515. Q. Can you state the name of any neighbor of Mr. Coey, or townsman, as to his position as to Mr. Duffy?—A. No.

516. Q. Can you swear of your own knowledge that you know that any person with whom you conversed as to the position of Mr. Coey in relation to Mr. Duffy was a neighbor or townsman of Mr. Coey?—A. Yes.

517. Q. Was he a Democrat or Republican?—A. I can think of one Democrat and one Republican.

518. Q. Can you give the name of either?—A. One was the hotel-keeper there, but can't recall his name.

519. Q. Was his name Lamont?—A. No, it was not.

520. Q. What was the name of the Republican?—A. Charless McKinney.

521. Q. Do you recall any other one Democrat?—A. I recall the man who keeps the store, but don't recall his name.

522. Q. Is his name Simons?—A. It is not.

523. Q. How do you know he keeps a store next the hotel?—A. I know because I was in there.

524. Q. Who went in with you?—A. Dr. Bulkly.

525. Q. Who did the talking?—A. We all did it; Mr. Davis of Orwell was there at the same time.

526. Q. What time did you leave Redfield?—A. Between 10 and 11 o'clock a. m.

527. Q. Did you talk with any of these men you have mentioned on Sunday night after you got there?—A. Yes, Mr. McKinney.

528. Q. Did you talk with any others?—A. Yes, but not with any I have mentioned. I talked with the Greenback candidate for school commissioner, Mr. Lyons.

529. Q. How lately before you went to Redfield had there been a meeting of the Republican county committee?—A. I can't tell.

530. Q. Had there been such meeting within three weeks before you went to Redfield?—A. I think there had, but cannot say positively.

531. Q. Had there been a meeting of that committee previous to that time and after the nomination of Mr. Duffy by the Democratic party?—A. Yes, I think there was, about one week before election.

532. Q. Were you present at that meeting?—A. Yes.

533. Q. Where was it held?—A. At Oswego, at the Doolittle House.

534. Q. Was there a meeting held of that committee during the week preceding your journey to Redfield at which you was present?—A. I think there was.

535. Q. Was there at that meeting any determination by such committee as to the disposition of the thirteen hundred and odd dollars which you claim was raised for campaign purposes, or any part of it?—A. I presume there was.

536. Q. Do you remember that there was?—A. Yes.

537. Q. Was the determination or direction made or given at that time to distribute among each of the wards and towns in the county the sum of \$25 each?—A. I don't recollect when that arrangement was made.

538. Q. Was there such an arrangement made at that or at a previous meeting?—A. It was proposed to do so if there was sufficient funds.

539. Q. Was there a resolution to that effect passed at that or any other meeting of that committee?—A. I have said, and now say, that it was proposed to do so if there were funds to do it with.

540. Q. Was there any determination of the committee to that effect?—A. Yes.

541. Q. Was that the customary amount for the Republican party to distribute among the several towns and wards to be expended on election day?—A. I don't know.

542. Q. Was it so stated that that was the customary amount?—A. Not definitely stated that I recollect.

543. Q. Who was the chairman of that committee?—A. Charles North.

544. Q. Did not C. North at that or some previous meeting of the committee state to the committee that it was customary for the committee to distribute \$25 to each of the wards and towns in the county to be expended on election day?—A. I don't recollect that he so stated.

545. Q. Did he state anything to that effect?—A. Yes.

546. Q. Did he also recommend that a like amount be expended in the year 1878?—A. He said that amount should be reserved if the funds allowed it.

547. Q. Did not the funds of the committee so hold out that you were enabled to make a present of \$30 to one of your speakers, Mr. White, over and above the amount you had agreed with him for his compensation?—A. There had no amount been agreed as to his compensation; nothing said about any compensation.

548. Q. Have you not sworn here to-day substantially that Mr. White was to receive the assessment, \$100, of Mr. Steele, the candidate for member of assembly, for his compensation?—A. No, sir; I have not.

549. Q. Did he not receive that assessment of \$100, viz, Mr. Steele's assessment, and also \$20, and a further present of about \$30 from the committee?—A. Yes, he did.

550. Q. When was the \$30 paid to him?—A. At our last meeting.

551. Q. Then you did have a surplus of \$30 after the campaign closed?—A. Yes, and more than that.

552. Q. How much more?—A. I think about \$100.

553. Q. Then the contingency did not arise which would defeat the intention on the part of the county committee to distribute to each of the wards and towns the sum of \$25 each, to be expended on election day?—A. We found at our meeting after the election was over—

(Objection. The counsel for contestant here objects to what the proceedings of the county committee were, and insists upon an answer to his question which shall be responsive.)

Witness continued: We found at our meeting after the election was over that more money had been collected from assessments, and that less money had been expended for the purposes of meetings in the first district than we had expected to expend, and through these causes we found we had a surplus, which was not anticipated.

554. Q. Do you decline to give any further or other answer to the question asked you?—A. Yes, sir; I do.

555. Q. When was your last assessment collected?—A. I can't say, but just previous to election.

556. Q. You stated that you received certain information from Democrats in the several towns as to the position and feeling of Democrats in relation to the nomination of Mr. Duffy. Can you state the name of a Democrat in the town of Orwell with whom you conversed on that subject?—A. No.

557. Q. Did you with any in Albion?—A. I don't recollect any.

558. Q. Did you with any in Williamstown?—A. No; not that I recollect.

559. Q. What Democrat did you converse with in the town of Richland, previous to the election, as to the feeling of Democrats in Richland as to Mr. Duffy?—A. I talked with Dr. Betts.

560. Q. Didn't he display some feeling in opposition to Mr. Duffy?—A. He seemed to be opposed to him.

561. Q. Did he state to you the grounds of his opposition?—A. Yes, I think he did in substance; I know he did.

562. Q. Was that opposition of a personal character?—A. I think, perhaps, to some extent it was.

563. Q. What other Democrat did you converse with previous to election?—A. His son, A. F. Betts.

564. Q. Did he make any objections to him?—A. Certainly, he did.

565. Q. Was his objection of a personal character?—A. It might have been partly.

566. Q. Is that your recollection?—A. I think his principal reason was, he did not like to vote for the Greenback candidate.

567. Q. Did he say anything about Mr. Dowdle on that account?—A. I don't recollect that he said anything about Mr. Dowdle.

568. Q. Did you talk with any other Democrat in Pulaski?—A. Yes, quite a number; a good many.

569. Q. Can you name another one?—A. Yes; I think Mr. Wallis was opposed to him; I have talked with him.

570. Q. Are you sure that you talked with Mr. Wallis previous to election?—A. I think I did talk.

571. Q. Did he express any opinion as to the nomination of Mr. Duffy?—A. I think he said he would not vote for him.

572. Q. Will you swear that he said he would not vote for him?—A. I will not.

573. Q. Do you know Captain Huntington, of Mexico?—A. Yes.

574. Q. Is he one of the county committee?—A. Yes.

575. Q. Is Mr. Parkinson also one of them?—A. Yes.

576. Q. Was Mr. Parkinson treasurer of the county committee?—A. No.

577. Q. Do you know anything about a certain \$200 that was sent by Parkinson into the town of Mexico just before election?—A. I do not.

578. Q. Did you never hear about it?—A. No, sir.

579. Q. Do you know about another certain \$100 that was sent into that town just after election?—A. I do not.

580. Q. Was that surplus of \$100, which you claim was left after election, sent by Mr. Parkinson into the town of Mexico?—A. Whatever money was left was placed in the hands of Mr. Huntington.

Redirect:

581. Q. I understood you to say in your cross-examination that you received into your hands perhaps \$300 during the campaign. Can you say that you received to exceed \$200?—A. My impression is that it would be something over \$250. I had the most of the bills for meetings held in this district to pay.

582. Q. Was Steele's assessment credited up to this district, or applied indiscriminately to the whole county?—A. I think it was applied indiscriminately to the whole county. Mr. White used in expenses in traveling and attending meetings.

583. Q. Did that assessment form a part of the \$1,300?—A. Yes.

584. Q. Then, the most of the money used in this district came into your hands?—A. Yes, the largest share.

585. Q. Do you know, or have you heard of, or have you reason to believe that any voter in the county of Oswego was influenced or induced to cast a vote for Judge Mason by reason of any corrupt consideration?—A. I have not.

586. Q. This money that was raised, I understand, defrayed and met the entire expenditures of the campaign throughout the entire county on the Republican side?—A. It did.

587. Q. I understand you to say that you did not use all of the money or of that portion of the money allotted to your town, and that you returned some of it to the committee?—A. I think I didn't say so.

588. Q. How was that money expended?—A. The most of the money I had for this town was used prior to the election and for the general purposes of the campaign. I paid about \$4 for sending and getting reports the night of election.

589. Q. And the balance in your hands was absorbed by bills that came in after the election?—A. Yes.

590. Q. Had this promise from Bulkly shortly before election anything to do with Judge Mason or the office of Representative in Congress?—A. Nothing whatever.

591. Q. Was that transaction between Republicans?—A. Yes.

592. Q. Did Mr. White have anything to do with disbursing of moneys outside of his own expenses while holding meetings?—A. Nothing except \$15 which I gave him for his town a day or two before election.

593. Q. Had you had any experience on the committee before?—A. I had not.

594. Q. Had you much acquaintance with the people of Redfield, Orwell, Boylston, or Williamstown?—A. No; but very little.

ALBERT A. MALTBY.

Subscribed and sworn before me this 18th day of April, 1879.

JOHN T. McCARTY,

*Notary Public.*

*Deposition of A. Wart.*

AZARIAH WART duly sworn.

595. Question. What is your age, residence, and occupation?—Answer. Age, fifty-seven; residence, Sandy Creek, Oswego County, New York; occupation, attorney at law.

596. Q. Were you the Democratic candidate for the office of district attorney in and for the county of Oswego at the last general election?—A. I was.

597. Q. Who was your competitor for the office of district attorney on the Greenback ticket?—A. I understand J. W. Shea to have been the candidate.

598. Q. What had been his politics?—A. Really I don't know. I have seen him in Democratic conventions.

599. Q. Did you understand that Mr. Shea stumped the county of Oswego in his own interest and in the interest of the Greenback party?—A. I was informed that he did. I have no personal knowledge of it.

600. Q. Do you know Sebastian Duffy?—A. Yes; I have seen, have no particular acquaintance with him; have conversed with him.

601. Q. What has been your politics since you have been a voter?—A. I think I have never failed to vote the Democratic ticket, and, as a rule, I have voted it clean. There have been exceptions.

602. Q. For whom did you vote for Representative in Congress at the last general election?—A. I voted for what I supposed to be the Republican nominee, Mr. Mason.

603. Q. What impelled you to vote for Judge Mason in preference to S. Duffy for Representative in Congress?—A. There is two reasons, if I am obliged to give them: one was, that I did not like the action of the Democratic convention in nominating him, Duffy, after his having become the candidate for that office on the Greenback ticket; and the other was, that I was satisfied that he was using his influence against me and in favor of the Greenback candidate for the same office for which I was running. I said to Mr. Duffy that I never licked the hand that was raised to slay me.

604. Q. At what time in the canvass did you tell him that?—A. The next morning after the Democratic Congressional convention.

605. Q. You may give the balance of that conversation.—A. It was in the railroad depot at this place. I went over there with Mr. Gardineer, the Democratic candidate for sheriff, and F. T. Low, the then sheriff. I spoke to Mr. Duffy and said, "I supposed you was nominated yesterday by the Democratic convention for member of Congress." He said, "Yes, by a unanimous vote." I says, "Then I suppose you expect that the Democratic party will support you." He said, "Yes; he hoped so." I then said, "You have been upon the stump about six weeks, using your influence in favor of the Greenback party; and I suppose now that you would like to have Mr. Gardineer and myself, who are going about the county and doing what we can for the Democratic ticket and ourselves as candidates, to do what we can for you." He said, "Yes." I said, "I suppose you will continue to do what you can for the Greenback party or ticket." He replied, "I am going to be pretty quiet as to candidates." I said I wanted something more than that, and then remarked that "I was never known to lick the hand raised to slay me." I then turned around and went away. That ended the conversation.

606. Q. And after that did you do anything for Mr. Duffy?—A. If I

did I did not know it. I said nothing publicly against him. Think I told some of my friends that I should not support him.

607. Q. What was the feelings among your Democratic friends about giving him their support?—A. Among my Democratic friends it was divided—some were for him and some against him.

608. Q. You have represented this district in the assembly of the State?—A. I was elected member of assembly and served one term.

609. Q. You have always resided in this county, and since attaining your majority you have taken an active part in the councils of the Democratic party, have you not?—A. Yes; I have somewhat.

610. Q. I discover from the canvass that you ran very far ahead of your ticket in your own town, while Mr. Duffy ran way behind in his town. How do you account for that?—A. I don't know. I did very little electioneering in my own town. I suppose it was personal friendship towards me.

611. Q. Did you converse with A. S. Coey, of Redfield, and learn his position in reference to supporting Duffy?—A. I do not recollect distinctly so as to swear positively on that subject.

612. Q. Was not Mr. Duffy's nomination regarded and received with disfavor upon the financial issue and among leading hard-money Democrats of the county after the Democratic State convention had pledged that party to the principles of hard money and resumption?

(Objected to because it assumes as proved what has not been proved, and attempts to get the witness to swear to a line of policy to which it is not pledged, and that there is a distinction among Democrats that does not exist.)

A. I should be obliged to say there was a difference of opinion among the Democratic party of this county in relation to the propriety of the nomination of Mr. Duffy by the Democratic party.

613. Q. And did you understand that that division was co-extensive with the county?—A. So far as I canvassed, it was.

614. Q. And did you learn that to be the fact in the city of Oswego?—A. Yes; I saw something of that feeling in the city of Oswego among the Democrats.

615. Q. In so far as you discovered that feeling was it not more prominent among the leaders and active business men and those accustomed to read and study the situation than with the lower classes?—A. I can't answer that question, for the reason that my conversation and observation was among the first class spoken of by you; the other class I know but little about.

616. Q. Did you not understand that both Mr. Duffy and Mr. Shea, especially in the early part of the campaign, had assailed the Democratic party in denunciatory terms in their addresses or speeches while canvassing, and in efforts to organize the Greenback party of the county?—A. Allow me to say that I heard neither of those men make any speeches, nor did I read any of them, and I don't know that I learned it from any source that Mr. Duffy maligned the Democratic party particularly; as to Mr. Shea, I heard he did in bitter terms, but I do not know it myself.

Adjourned to 8 a. m. April 17, 1879.

617. Q. I understood you to say that Col. James Doyle, of Oswego, was present, with Mr. Gardineer, Ex-Sheriff Low, and yourself at the time of the conversation with Mr. Duffy?—A. He went to the depot with us, but I do not know that he heard the conversation.

618. Q. Was Colonel Doyle an ex-Democratic sheriff of the county?—A. Yes.

619. Q. Did you, Colonel Doyle, and Mr. Gardineer go to the village of Parish that night, and did Mr. Duffy, as you understand, make a political speech there that night? State the facts.—A. No; we left the depot in the forenoon and went to Central Square, where there was a district convention; Mr. Duffy was on the same train, and got off at Parish; we remained at Central Square until the next train, when we returned to Parish, and Mr. Duffy, as I understood, spoke there that afternoon; we then took the last train home.

621. Q. Who did you understand in that meeting was advocated for the office of sheriff and district attorney?

(Objected to as hearsay and not the best evidence.)

A. All that I have to say is, no recollection of hearing of anything he said that day. I did not attend the meeting.

622. Q. Do you understand that Mr. Gardineer, Mr. Low, or Ex-Sheriff Doyle, either of them, supported Mr. Duffy?

(Objected to as not the best evidence and hearsay.)

A. I don't like to answer such questions; I like to answer questions that I know something about.

623. Q. Have you never heard with reference to the position of those three men and before this contest commenced?—A. I have talked with them all before the election.

624. Q. Did you not understand from them that they were disinclined to support Mr. Duffy?

(Objected to same as above, because what he understood from them is not evidence that the persons with whom he talked had the same understanding.)

A. My answer to that is they all disfavored the nomination of Mr. Duffy by the Democratic party, but did not commit themselves to me as to how they would vote.

Cross-examined by KING for contestant:

625. Q. Is it not a very usual thing, Mr. Wart, that for such important office as a member of Congress, particularly in the Democratic party, that some persons will disapprove the nominations actually made by the party in convention assembled?—A. It is quite common.

626. Q. You say that you did not vote for Mr. Duffy. Had you supposed that Mr. Duffy had favored your election instead of the election of Mr. Shea would you have voted for Mr. Duffy?—A. I can't say; my present impression is I would not. If he had been nominated by the Democratic party alone I would have voted for him as cheerfully as for any man.

627. Q. Did you vote for Mr. Dowdle for county treasurer?—A. I suppose I did; but it did not occur to me at the time that he was on the Greenback ticket; if it had I should have erased his name.

628. Q. In that contest last fall did you consider that Mr. Shea, the Greenback candidate, was injuring your prospects of election, and that your attention was more particularly devoted to him than to the Republican candidate for district attorney?—A. Yes; I gave him my particular attention.

629. Q. Do you believe that your interest in the campaign last fall and the conduct of Mr. Shea peculiarly embittered you against the Greenback party last fall?—A. It undoubtedly had its influence; but I was opposed to the principles of the Greenback party.

630. Q. At the time you had the conversation with Mr. Duffy detailed by you, I understand you to say was the next day after the nomination of Mr. Duffy by the Democratic party?—A. Yes.

631. Q. Did you then know that he was also the nominee of the Greenback organization?—A. Yes; I had known some little time.



632. Q. And that at that time did it occur to you of the peculiarly embarrassing position it would place Mr. Duffy in should he promise to support you and oppose Mr. Shea?—A. I fully understood that.

633. Q. You understand that there was a Greenback nominee for sheriff, do you not?—A. Yes.

634. Q. The Democratic party you also understood had a candidate, Mr. Gardineer, in opposition to the Greenback candidate for sheriff?—A. Yes.

635. Q. Did you understand that your relations to Mr. Duffy were similar to those sustained by Mr. Gardineer?—A. I could not see how they would be different.

636. Q. You spoke about there being a division among Democrats as to the propriety of Mr. Duffy's nomination. Do you mean to be understood by that that all those Democrats which doubted the propriety of such nomination voted against him?—A. No; I don't understand that.

637. Q. Do you understand that the great mass of the Democratic party did vote for Mr. Duffy?—A. My opinion is that a large majority of them did.

638. Q. Do you know of but very few that voted against him?—A. No; I have no personal knowledge of but few.

639. Q. How far do you reside from the city of Oswego?—A. We call it thirty miles.

640. Q. How long have you resided in Sandy Creek?—A. Since May, 1857.

641. Q. Have you for many years known the starch factory in Oswego by reputation?—A. Yes.

642. Q. Has it been for many years charged and claimed that the employés of that institution were expected by their employers to vote the Republican ticket in important and contested elections?—A. Yes; that has been commonly asserted among Democrats for years.

643. Q. Is that also believed to the extent that employés are in danger of losing their position should they vote the Democratic ticket?

(Objected to as immaterial and hearsay.)

A. The report has been sufficiently strong to induce the belief.

644. Q. Has it been reported that employés have been discharged for voting the Democratic ticket?—A. Yes; it has been so reported.

Redirect for contestee:

645. Q. I suppose that you have no knowledge with reference to the truthfulness or the falsity of the rumor set afloat with reference to the Oswego Starch Factory Company?—A. I have no personal knowledge of the matter whatever.

646. Q. When you say that you have no knowledge of but few who voted against Mr. Duffy, do you speak with reference to personal knowledge or from what you understand to be the facts through the county?—A. I mean personal knowledge.

647. Q. Did you understand that Mr. Shea and Mr. Duffy alike took part and addressed the same meetings?—A. I was informed that they both did on several occasions.

Recross-examination:

648. Q. Did you not understand, and was it not understood among Democrats generally, so far as you know, that upon issues between Republicans and Democrats, Mr. Duffy was with the Democrats?—A. My understanding is that he was in unison with the Democrats.

649. Q. Has not Duffy, so far as you know, previous to last fall's campaign, been known as a Democrat?—A. I don't call to mind any personal

knowledge, but he has been reported to me as a Democrat until he united with the Greenback party.

650. Q. Was there any regular organized opposition to the election of Mr. Duffy in the Democratic party?—A. No; not that I know of.

651. Q. Will you swear that the leading Democrats in the councils of the Democratic party did not sanction and approve Duffy's nomination?—A. My answer to that is, that the leading Democrats with whom I consulted—

(Witness was here interrupted by cross-examining counsel, and who stated that the witness was not answering the question asked, and claimed that a full and complete answer of the question would and should be either yes or no.

Witness replies that he cannot, in his judgment, fairly and truthfully answer the question by saying yes or no, but the witness is willing to give what he deems to be the truth sought for by the question.

The counsel for the contestant declines to be responsible for any answer that is not responsive to the question, and to avoid complication and misunderstanding withdraws the question.)

652. Q. Did you understand that W. A. Poucher, late mayor, John A. Barry, editor of the Oswego Palladium, and Hon. John B. Higgins, late recorder of Oswego, approved of the nomination of Mr. Duffy?—A. I understood that Barry and Higgins approved the nomination, but don't understand about Poucher; I don't know whether Poucher did or not. I have no personal knowledge of any of them.

653. Q. You understand that Mr. Poucher was chairman of the Democratic Congressional convention that nominated Mr. Duffy?—A. Yes.

654. Q. Do you also understand that the nomination of Mr. Duffy at that convention was unanimous?—A. I do so understand it.

Redirect:

655. Q. You may now answer the question propounded by D. A. King, and to which you expressed a willingness to answer, and he withdrew the question, to wit: "Will you swear that the leading Democrats in the councils of the Democratic party did not sanction and approve Duffy's nomination?"—A. My answer is that in the third assembly district convention—

(Objected to by counsel for contestant, that the answer being given is not responsive.)

WITNESS continues—Of which I was chairman, the convention was almost entirely unanimous in opposition to the indorsement or nomination of any Greenback candidate on the Democratic ticket. I know that the same sentiment that prevailed in district convention prevailed by a large majority in the Democratic county convention. I know, too, from the history of the Congressional convention of this district, that that convention, by its unanimous vote, nominated Mr. Duffy. And I know, further, that from the time Mr. Duffy was nominated, up to the election, there was a divided feeling between what I denominate representative men in the Democratic party in this county in reference to the nomination of Mr. Duffy for member of Congress, some being in favor and some opposed.

656. Q. Where was the Congressional convention held, and of whom composed?—A. Held at Oneida, in the county of Madison, and composed of fifteen from this county, and ten from Madison County.

Recross:

657. Q. Was there any vote taken at the Democratic county convention upon the question as to whether the nomination of any Greenback

candidate should be had, or whether it was expedient to nominate one?—  
A. No; I think not.

658. Q. Was there any vote in that convention upon that subject?—  
A. No; I think not.

659. Q. Was there any vote of that character taken in the third assembly district convention of which you was chairman?—A. No.

Redirect:

660. Q. How did you ascertain the sentiment of those two conventions?—A. I ascertained it by talking with and hearing the talk between the delegates at the convention. Mr. Mellen, the candidate nominated for member of assembly in the district convention, expressed himself in very strong terms in a speech in that convention, and then, as I understood, went to the Congressional convention and there seconded the nomination of Mr. Duffy; and W. J. Eastman expressed himself in very strong terms against the adoption of any Greenback candidate by the Democrats in the district convention, and afterwards went to the Democratic Congressional convention and there moved the nomination of Mr. Duffy.

661. Q. Was Mellen and Eastman elected as delegates to the congressional convention by the same convention at which these declarations of hostility to the adoption of Greenback candidates was made?—  
A. Yes.

662. Q. Their action, then, at the Congressional convention must have been a wonder and surprise, I take it, to the Democracy whom they represented?—A. I can hardly say I was surprised; I was disappointed.

663. Q. Have you any means of knowing how much money or what influences the wily Duffy employed to accomplish that revolution in the minds of the Democratic delegates?—A. No means whatever; I am entirely in the dark on that subject.

664. Q. Did you not attribute it to the fact that there was something rotten in Denmark?—A. No; I don't think Denmark had anything to do with it.

Recross:

665. Q. Was there any action taken by the county convention and third assembly district convention, as conventions, upon that subject?—A. No.

666. Q. About how long was it after the district convention before the Congressional Convention?—A. I can't tell how long; I should say three or four weeks.

A. WART.

Subscribed and sworn this 17th day of April, 1879.

JOHN T. McCARTY,  
*Notary Public.*

MADISON COUNTY.

Evidence taken before O. B. Lord, notary public, with S. E. Scranton, jr., associate.

*Deposition of J. Wickwire.*

JERRIT WICKWIRE, a witness produced and sworn, testifies as follows:

1. Question. Where do you live?—Answer. In the village of Hamilton.

2. Q. How long have you lived in the village of Hamilton?—A. Eighteen or nineteen years.

3. Q. How long have you known Joseph Mason?—A. Ever since I lived in Hamilton.

4. Q. Where has he lived during that time?—A. In the village of Hamilton.

5. Q. What are your politics?—A. A Democrat.

6. Q. During your acquaintance with Judge Mason what have been your relations with him?—A. Very friendly.

7. Q. Have you a son named Charles Wickwire who has been a student in Judge Mason's office?—A. I have.

8. Q. Do you know Sebastian Duffy?—A. I do not.

9. Q. Did you know of his running for Congress against Judge Mason?—A. I do.

10. Q. Did you learn of his financial views?—A. He was a Greenbacker.

11. Q. Did you understand he was opposed to resumption and specie payments?—A. I so understood.

12. Q. Did you understand he was nominated for Congress by the Greenback party upon such principles?—A. I so understood.

13. Q. Did you approve and were you in sympathy with his financial views?—A. No, sir.

14. Q. Did you hear his address in the village of Hamilton during the last campaign?—A. I did not.

15. Q. Did you learn of the speech he made in Hamilton?—A. I heard something what he said.

16. Q. Did you approve his financial views?—A. I did not hear much said about it.

17. Q. For whom did you vote for member of Congress?—A. Judge Mason.

18. Q. Why did you vote for him in preference to Duffy?—A. Because he was a friend of mine.

19. Q. Did you learn and understand that Judge Mason was in favor of resumption of specie payments and was opposed to the principles of the Greenback party?—A. I knew nothing about it.

20. Q. Was any corrupt or improper influence brought to bear to induce you to vote for Judge Mason?—A. No, sir.

21. Q. Was any money, valuable thing, favor, or reward offered or suggested to you for such vote?—A. No, sir.

22. Q. Were you at the polls part of the time on election day?—A. I was only there a part of the time.

23. Q. Did you see anything to indicate that money was being used at the polls or elsewhere to further the election of Judge Mason?—A. I did not.

24. Q. Prior to election, or on election day, did you know of any money being used by Judge Mason or his friends in furtherance of his election?—A. I did not.

25. Q. You are in business in Hamilton, are you not?—A. I am.

26. Q. And are you in the public streets every day, and occasionally in the hotels and other public places?—A. I am.

27. Q. And did you see prior to election day, or on that day, anything to indicate that money was being used by Judge Mason or any of his friends to corrupt the election or to secure his election?—A. No, sir.

28. Q. Did you know or understand that other gentlemen, members of the Democratic party, and neighbors and friends of Judge Mason,

voted for him for member of Congress on election day ?—A. I so understood.

29. Q. Have you any reason to suspect, or believe, that such gentlemen were influenced to cast their votes for Judge Mason by any corrupt means ?—A. I have none.

30. Q. Do you suspect, or believe, those gentlemen were induced to and did cast their votes for Judge Mason because of any corrupt or improper influence ?—A. No, sir; I have seen nothing to lead me to believe any such thing as that.

31. Q. Is your son, of whom you have spoken, also a Democrat ?—A. Yes, sir; Charles M. Wickwire.

32. Q. And is he a practicing attorney, duly admitted, and in business for himself ?—A. He is.

33. Q. And in what building is his office ?—A. In Smith block.

34. Q. In what block, if you please, is Judge Mason's office ?—A. Ingalls block.

35. Q. You may name such Democrats as you know, or have reason to believe, voted for Judge Mason ?—A. Can't name them.

(Cross-examination by S. D. WHITE, who appears for Sebastian Duffy, contestant, and states he is obliged to suspend the other examination in order to appear here.

To which the counsel for contestee replies that he knows of no good or sufficient ground for the reason assigned, nor does he believe that reason assigned is made in good faith. That counsel for contestee, this morning, at 9 o'clock a. m., met with Counselor White at the Eagle Hotel, in the village of Hamilton, under voluntary offer on the part of contestee to give contestant, or his counsel, a portion of contestee's forty days. That Counselor White then and there professed to be desirous of examining further witnesses under the voluntary consent of contestee, and even went so far as to call a witness upon the stand with the avowed purpose and intent to proceed with his examination and the examination of divers other witnesses. That contestant's counsel, upon finding that contestee was acting in good faith, in granting him a portion of time in which to examine his professed witnesses, immediately withdrew and refused to allow the evidence of such witnesses as he had given due notice to contestee to be then and there examined, declaring that he proposed to leave them as witnesses to be examined when he should give contestant's rebutting evidence.

The contestant denies all of the foregoing statement.)

36. Q. You say your son, C. M. Wickwire, voted for Mason ?—A. I heard he did, but never heard him say so.

37. Q. Did you hear him say that Mason said that he did not go to Oswego for nothing ?—A. No, sir.

38. Q. Were you present at an interview between him and John Rowlands and Albert Dart ?—A. No, sir.

39. Q. Do you know those men, and are they highly respectable men ?

(Objected to, first, as incompetent; second, the contestant cannot call witness to sustain his witnesses, Rowlands and Dart, until contestee has called their characters in question. Objection sustained. Question waived.)

40. Q. So far as you know, you say the election was fair ?—A. So far as I know, it was.

41. Q. I assume that you never bought votes and never countenanced such things. Am I right ?—A. Yes, sir.

42. Q. And you are well known in this community, are you not?—A. I expect I am.

43. Q. The buying of votes would not be likely to have been done in your presence, would it?—A. No, sir.

44. Q. So far as you know, such work is done secretly?—A. Yes, sir; so far as I know.

45. Q. Did you vote for Judge Mason?—A. Yes, sir.

46. Q. Did your other son, Frank, vote for him?—A. From what I have heard I think he did not.

JARET WICKIRE.

Subscribed and sworn to February 27, 1879.

O. B. LORD,  
Notary Public.

*Deposition of Hugh Leonard.*

HUGH LEONARD, witness produced and sworn, testified as follows:

Direct examination by J. J. LAMOREE:

1. Question. Mr. Leonard, what is your age?—Answer. Seventy-four years.

2. Q. How long have you resided in Hamilton?—A. Thirty-four years.

3. Q. And during all of that time have you known Joseph Mason, the contestee?—A. Since Mr. Mason was a small boy, or about thirty years.

4. Q. All that time have you lived in the same village?—A. Yes, sir.

5. Q. What has been your relations all that time with Judge Mason?—A. Friendly and cordial, as a neighbor.

6. Q. Have you been a life-long Democrat?—A. Yes, sir. Voted the old Whig ticket once, 'way back a good many years ago.

7. Q. And did you vote for Judge Mason for a member of Congress last fall?—A. Yes, sir.

8. Q. How came you to vote for Mr. Mason as against Sebastian Duffy?—A. I was opposed to this Greenback theory.

9. Q. And did you know of other Democrats or learn that others in the town of Hamilton voted for Judge Mason for the same reason?—A. I did, sir.

10. Q. You may name such as you now recall.—A. I heard that Leroy Fairchilds, William Fairchilds, and Nelson Fairchilds voted for Mason.

11. Q. Can you name any other?—A. I heard Mr. Wickwire and his son, and D. B. West. I heard of others, but do not really recollect them at this time.

12. Q. Let me refresh your memory. Did you hear of Joseph Stephens?—A. I did not.

13. Q. Did you hear of George Barber?—A. My impression is that I did, and of Kirk Barber and of Eli Barber.

14. Q. And did you hear of Peter B. Havens?—A. I did not.

15. Q. Of James W. Shores?—A. I think I heard Shores say he voted for Mason after the election.

16. Q. And did you know with reference to Jerome J. Shores and Smith S. Shores?—A. I did not hear about Smith Shores.

17. Q. And did you with reference to John Hopkins, E. B. Mott, or Frank Sheean?—A. This Mott told me after election he voted for Mason; also Hopkins; did not hear about Sheean.

18. Q. Did you hear about William Dewitt and Edward Orsborn?—A. I did not.

19. Q. Did you hear about Woolcot Hubbard, George Frink, or Robert Upham?—A. I heard Upham say he voted for Mason, but heard nothing of the other two.

20. Q. Did you hear of James Thompson, David Parslow, and Robert Patterson?—A. Heard nothing.

21. Q. Did you hear how John Bradin or C. M. Mott voted?—A. I did not.

22. Q. And were those whom you have now mentioned as having voted for Mason, each and all of them, Democrats, as you understand?—A. They are or were.

23. Q. Do you now remember of other Democrats in Hamilton who voted for Judge Mason?—A. I do not recollect of others.

24. Q. From your knowledge of those men, do you believe any one of them could be bought or hired to vote at election for a money consideration?—A. I think not. They are all respectable people in my estimation.

25. Q. Did you hear Mr. Duffy's speech at Hamilton?—A. No, sir.

26. Q. Did you hear it commented upon and talked about after he had made it?—A. I did, some.

27. Q. I understand that the Democrats in Hamilton were mainly in favor of hard money and the resumption of specie payment?—A. That's true, sir, so far as my knowledge extends.

28. Q. And how was Mr. Duffy's Greenback inflation and irredeemable money ideas received among those hard-money Democrats?—A. That it was a very weak production.

29. Q. And did you not hear it said also among Democrats that Mr. Duffy had injured himself or lost votes by coming to Hamilton and making that speech?—A. I heard that he lost votes and that his speech was injurious to the Greenback cause.

30. Q. And did it not, in your judgment, judging from what you heard said, also injure him among hard-money Democrats?—A. I think it did.

31. Q. Have you reason to believe that either Judge Mason or his friends used money at the election?—A. No, sir; I have no reason to believe any such thing.

Adjourned to 1.30 o'clock p. m.

Parties met pursuant to adjournment at 1.30 o'clock p. m.

32. Q. Did you not only vote for Judge Mason, but endeavored to get others to vote for him?—A. I did.

33. Q. And did you take Judge Mason's tickets and furnish to other Democrats on that day?—A. I think I did; one or two.

34. Q. Do you remember who they were?—A. Michael Flaherty—it's my impression I gave him one, and one to some one else.

35. Q. Do you disremember who the other one was?—A. I do; but understand that Michael Flaherty voted for Mason.

36. Q. And do you understand Michael Flaherty was a Democrat?—A. I do.

37. Q. And do you understand this other gentleman to whom you gave a ticket, but whose name you disremember, was also a Democrat and voted for Judge Mason, as you understand?—A. I do.

38. Q. Did you hold out any inducement or know of any improper means having been brought to bear to influence the vote of Mr. Flaherty or the other gentleman to whom you referred?—A. No, sir; they voted for Mr. Mason because they preferred to of their own accord.

## Cross-examination :

39. Q. Do you know the Rev. A. P. Ludden, of this village?—A. I do, sir.

40. Q. What is his occupation?—A. What we commonly call the Catholic priest.

41. Q. Has he a Catholic church or society here to whom he is the pastor?—A. Yes, sir.

42. Q. Are you a member of that church?—A. Yes, sir; I hope so.

43. Q. Did the said Ludden, the Sabbath or Sabbath but one before election, from the pulpit and in the presence of his congregation use language which gave you to understand that he desired his people to vote for Mr. Mason?—A. He did not, as I heard; but I was there and did not hear Mr. Mason's name mentioned.

44. Q. Did he then and there refer to the subject of voting without mentioning the name of any person?—A. Yes; what he did say was from the altar but not the pulpit.

45. Q. Did he mention the name of any person?—A. No, sir; not in my hearing.

46. Q. Did he say in substance that where there were two candidates running for an office, one of which was a neighbor and the other a stranger, he would advise his people to vote for the neighbor?—A. I did not hear him say so.

47. Q. Did he say any part of that?—A. He said that he had no politics himself, but if he had a vote he would vote for best man.

48. Q. State what he said and all he said.—A. He said election day was such day, and cautioned his people to come and cast their ballots and go home again; that if he had a vote, irrespective of party he would vote for best man. Don't remember anything else.

49. Q. And did he add in substance anything in relation to a neighbor or acquaintance? If so, state what.—A. Did not hear anything of the kind.

50. Q. To whom or what did you understand him to refer?—A. I cannot answer that question, as he did not mention any names.

51. Q. Did you in your own mind think to whom he might refer or have in his mind?—A. I did not.

52. Q. Upon your oath do you now swear that you at the time did not think as to whom he did refer?—A. I could not tell positively.

53. Q. I don't ask you to tell positively to whom he did refer; I simply ask you to state to whom you thought he referred.—A. The best man.

54. Q. (Repeated.)—A. I can't tell you.

55. Q. Did you, on the day of election, say to any person or persons in substance, the priest wishes us to vote for Mr. Mason because he has given the church a hundred dollars; he has helped us and we ought to help him?—A. I don't recollect of saying so to any man.

56. Q. Will you swear you did not?—A. I will. That to the best of my recollection I did not.

57. Q. Will you say positively that you did not?—A. I will.

58. Q. Did you say anything upon the subject of Mr. Mason's letting the church have money?—A. I do not recollect of any such statement.

59. Q. I assume you did not sell your vote or buy one?—A. No, sir; I never did.

60. Q. You have always been opposed to such proceedings, have you not?—A. Yes, sir.

61. Q. Do you think that men buying votes on election day would likely have done it in your presence?—A. I think not.



62. Q. Assuming, then, that 50 votes had been bought in the interest of Mr. Mason, you would not have been likely to see it, would you?

(Objected to. The question assumes something not proven; second, the witness's presumption and conclusion are not evidence, and it is incompetent and immaterial. Objection overruled.)

A. I would not.

63. Q. Do you say the election was fair as far as you know or understand?—A. I do.

64. Q. Did you not hear that one Hollingsworth was bought by one Cushman?—A. No, sir.

HUGH LEONARD.

Subscribed and sworn to February 27, 1879.

O. B. LORD,  
Notary Public.

*Deposition of Dr. E. Dodge.*

Dr. E. DODGE, a witness produced and sworn on behalf of contestee, testified as follows:

1. Question. Mr. Dodge, are you president of Madison University, and have been how long?—Answer. Yes, sir; ten or eleven years.

2. Q. What is your age?—A. About sixty years.

3. Q. A graduate of what college?—A. Of Brown University, Providence, R. I.

4. Q. And a native of what State?—A. Massachusetts.

5. Q. And what has been your political predilections?—A. For last twenty years I have voted Democratic ticket, I believe, with a single exception.

6. Q. And will you state that exception?—A. It was at this last election. I voted for Judge Mason, Republican candidate for Congress.

7. Q. If you have no objection you may state the causes which impelled you to vote for Judge Mason.—A. First was of a personal character, a friend I had known for about twenty years, with whom I have held intimate personal relations; am not sure if it had not been for public reasons that this would have decided me in favor of Judge Mason.

8. Q. I understand from what you have said you entertain a high appreciation of the personal character of Judge Mason, whom you have so long and so favorably known?—A. Yes, sir.

9. Q. And yet I understand that there were other moving causes which impelled you to his support?—A. Yes, sir.

10. Q. Will you be kind enough to state them?—A. I regarded Judge Mason as representing the true Democratic doctrine upon the financial question, and I regarded the financial question as the most important one before the country; those represent my public grounds for voting for Judge Mason.

11. Q. And did you know of other prominent members of the Democratic party in the village of Hamilton and vicinity who entertained like views?—A. Yes, sir; one or two.

12. Q. You may name them.—A. Mr. West, cashier of the bank, I remember distinctly; and there are others, but I am not positive I can give them.

13. Q. Was Maro Hubbard one of them?—A. Can't say.

14. Q. You had known Mr. West many years as a leading and consistent Democrat?—A. Yes, sir.

15. Q. From what you know regarding the personal character of Mr. Mason, and all that has come to your knowledge regarding his election,

have you reason to believe that Judge Mason either gave, countenanced the giving, used or countenanced the using money for the purposes of corrupting the election or the accomplishment by unlawful means of his election to Congress?—A. No, sir; I have not the slightest shadow of a suspicion that he resorted to such means.

16. Q. A question was raised, I understand, Dr. Dodge, previous to the election, touching eligibility of certain persons who are in attendance at the college over which you preside, and at Colgate Academy; also, as voters in the village of Hamilton; am I correct?—A. Yes, sir.

17. Q. And did you, feeling an interest in the welfare of those students, take legal counsel; and, if so, from whom?—A. Indirectly I did through another member of the faculty, and from Judge Mason.

18. Q. And will you state who that member of the faculty was, through whom you received this counsel from Judge Mason?—A. Dr. A. M. Beebe.

19. Q. You may state what you may know with reference to the advice which you received through Dr. Beebe from Judge Mason, upon that question.—A. A student who has any doubt whatever as to his right to vote in the coming election, ought not to vote; but if he votes for one office he should vote for all.

20. Q. And did you advise the students at the college with reference to the view which Judge Mason had given of the case?—A. I gave them the judge's professional opinion as embodying my advice.

21. Q. Have you reason to believe that any one of the fourteen students who are said to have voted at the last general election did not so vote under a conscientious belief at the time that he was a voter at the village of Hamilton?—A. I believe they were all conscientious, sir, in voting.

22. Q. And do you understand that the number of students who voted at the last general election at Hamilton was materially less than it had been at previous elections?—A. I could only give an opinion; I should think, perhaps, it was rather less. That opinion would be based upon the effect my announcement had of Judge Mason's views in regard to the students voting.

23. Q. I understand from this that you believe the announcement of Judge Mason's opinion tended to make the students more cautious with reference to voting, and to diminish rather than to increase that vote?—A. Yes, sir.

#### Cross-examination by S. D. WHITE:

24. Q. I observe that the defense seek to give character to that defense by calling witnesses who are Democrats of high character. Now please state whether you have heard the testimony given upon this examination here in Hamilton and that given in the city of Oswego, or any part of it, except such as you have heard while in court to-day?—A. I have not been present before to-day; I have been told by others about the character of the testimony given here.

25. Q. Were you told of its character by a friend of Mr. Mason or Mr. Duffy?—A. I think he was a friend of Mr. Mason.

26. Q. Who was that person?—A. A person who sits at my side at the chapel at prayers in the morning, Dr. A. M. Beebe.

27. Q. Did Dr. Beebe tell you of that while at prayers?—A. He told me on the rostrum before prayers, while the students were coming in, and finished conversation at the close of the chapel exercises.

28. Q. Did he profess to relate to you the testimony given in the city of Oswego upon this subject?—A. I think not.

29. Q. I think you testified that you voted for Judge Mason?—A. Yes, sir.

30. Q. And you knew him to be a Republican in politics?—A. Yes, sir.

31. Q. His views upon questions of finance were more in harmony with yours than Mr. Duffy's were as you understood Mr. Duffy's views?—A. Yes, sir.

32 and 33. Q. You and Mr. Mason were personal friends; you and Mr. Duffy were unacquainted, were you not?—A. Yes, sir.

34. Q. If you had understood the views of the two candidates to have been alike upon financial questions, for which would you have voted?—

A. Am not sure; my personal preferences would have been for Judge Mason; my political preferences would have been for Mr. Duffy.

35. Q. You say you have neither read or heard the testimony given in the city of Oswego?—A. I think I have not.

36. Q. Would you have voted for Judge Mason if you had known that he, the week before election, went from here to the city of Oswego and there had an interview with a person wherein he stated that he was very apprehensive of defeat; that he thought his own county would give a majority against him, and must look to the city of Oswego for success, and was there told that his success there was contingent upon a liberal use of money; that on the Saturday before election he carried \$1,500 there and placed it in the hands of different persons and agents in the various wards of the city of Oswego to be used by them in obtaining his election?—A. I should have believed that the money was to be used for legitimate purposes, and should have voted for him.

37. Q. At so late an hour in the canvass as that, please state what, in your judgment, such an amount of money in the city of Oswego could have been used for?—A. Believing in Judge Mason's honesty I should have supposed it had reference to the past, present, and future legitimate expenses.

38. Q. Assuming that, in addition to the facts stated in the next to last question, it were true that this money, with Judge Mason's knowledge, had been placed in the hands of ward politicians for the purpose of purchasing votes and that the same was thus used, would you, if you had known before election that he had thus done—would you have voted for him?—A. If I had believed those facts to be true, I would neither vote for him nor an angel from Heaven.

39. Q. Superadded to those facts embraced in those last three preceding questions, had you have known that upon his return from the city of Oswego he had said he did not visit the city of Oswego for nothing, and, added to all this, a confidential agent and clerk had induced, by the promise of money, a person to vote, who he (the clerk) well knew not to be a voter, and he (Mr. Mason) upon being informed upon those facts had remarked with a laugh "That voter was made quick," would you have voted for him?—A. My answer is as before. If I believed those facts to have been substantiated by competent proof, then I should not have voted for him.

40. Q. Referring to another subject, do you believe the great body of the students of Madison University had a right to vote?—A. I did not suppose the great body of students had a right to vote.

41. Q. Why was this advice given to the students to vote the whole ticket instead of a part?—A. If my recollection serves me I think it was Judge Mason's idea that consistency required such a course on the part of the students.

42. Q. Did it not arise, as you understand, from the fact that there was

more danger in voting that part of the ticket for which the voter could be dealt with in the United States court than the other part of the ticket?—A. I did not so understand it.

43. Q. You understood, did you not, that the students almost universally were Republicans and would naturally desire to vote for Mr. Mason?—A. I knew that fact; it did not enter into my consciousness at the time when I gave them Judge Mason's advice.

44. Q. When you got that advice from Judge Mason through Dr. Beebe, was it obtained from Judge Mason at your request?—A. I had said previously to Dr. Beebe that I wished I could obtain Judge Mason's opinion legally, and in a day or two he gave it to me.

45. Q. And you obtained that advice from him with the view of advising the students as to their duties, did you not?—A. I obtained it from him in order to give them an authoritative guide to enable them to do their duty in the coming election.

46. Q. Did you think it entirely fair and just towards the public to take and act upon the advice of any man who was personally and specially interested in obtaining their vote?—A. Yes, sir.

47. Q. Was your confidence in him so strong that you thought it was not possible for him to be interested to that extent, which might not somewhat warp his judgment?—A. Yes, sir; aided by his friends somewhat on the other side. I supposed that Judge Mason would seek to be fair in such a case, because if he did not his very unfairness would in the end tell against him at that election.

48. Q. Do you mean by that, he would receive less votes on the day of election, or his friends, as you term them, would contest the election thereafter?—A. More generally that they would use it against him in all their power, as capital in the election and after the election.

49. Q. Did you not soon after Mr. Mason's nomination and before Mr. Duffy was nominated by the Democrats send word to Judge Mason that he would have your vote or support?—A. I don't remember the form in which I sent my congratulations to Judge Mason, but I think it was this: "Tell the Judge I am glad he was nominated, and should be glad to support him at the election."

50. Q. Did you know or understand that there was some talk of nominating you for that place?—A. No, sir.

51. Q. Therefore, the fact that you was not thus nominated was not the reason why you did not support Mr. Duffy?—A. No, sir.

Redirect:

52. Q. Upon the score of personal integrity as a citizen and as an experienced attorney, did you not have implicit confidence that Judge Mason's opinion would be prudently and impartially given, if desired, without regard to his own personal aggrandizement?—A. Yes, sir; I did.

53. Q. And if I understood you correctly as to the effect of that opinion, when given, tended to lessen rather than to increase Judge Mason's vote at Hamilton?—A. Yes, sir.

54. Q. With reference to Judge Mason's opinion that those who voted should vote the whole ticket, did you not understand that that idea was advanced upon the hypothesis that he who was competent to vote for a part of the ticket was equally competent to vote for the whole ticket?—A. Yes, sir.

55. Q. And did you understand Judge Mason as having advanced that idea upon any other ground than that touching the legal status of the voter?—A. I did not.

56. Q. You have been asked various hypothetical opinions. I under-

stand you to say, with reference to those, that, should the facts therein supposed be sustained and established upon competent and satisfactory proof, so that your mind was at rest, then, and in that event, you would withhold your vote from Judge Mason?—A. Yes, sir.

57. Q. Would any amount of ordinary political gossip founded upon street rumor growing out of partisan zeal outweigh in your judgment the candid denials of Judge Mason in establishing the existence of the suggested facts?—A. No, sir; no amount of such gossip could weigh a moment with me over against a single denial of Judge Mason.

58. Q. And this is predicated, I understand, largely upon your unshaken confidence in the integrity and moral worth of Judge Mason, whom you have known intimately for 20 years?—A. Yes, sir; it is.

59. Q. You are a professor of theology?—A. Yes, sir.

**Recross-examination:**

60. Q. Have you ever in your life formed equally as high an opinion of any man and subsequently lost confidence in his integrity?—A. Very rarely; I don't remember that I have.

E. DODGE.

Subscribed and sworn to February 27, 1879.

O. B. LORD,  
Notary Public.

*Deposition of N. L. Andrews.*

N. L. ANDREWS, produced and sworn, testified as follows:

1. Question. You are a professor connected with what institution of learning?—Answer. Madison University.

2. Q. And what position do you hold, please?—A. I am a professor of Greek.

3. Q. And how long, if you please, have you resided in Hamilton?—A. Between 20 and 21 years.

4. Q. From what institution of learning did you graduate?—A. Madison University.

5. Q. Have you a personal acquaintance with Judge Mason; and, if so, how long has that acquaintance continued?—A. I should say pretty much all the time I have lived here.

6. Q. You may state, if you please, what your past political predilections have been.—A. Republican until 1872, but since that time usually, though not uniformly, voting the Democratic ticket, particularly on national issues.

7. Q. For whom, if any, did you cast your vote for member of Congress at the last general election?—A. For Judge Mason.

8. Q. You may state, if you have no objection, what influences impelled you to the support of Judge Mason instead of Sebastian Duffy, the rival candidate?—A. The chief and controlling reason was the fact that he represented what are known as hard money principles.

9. Q. State what you may know with reference to other members of the Democratic party in the village of Hamilton or vicinity having also supported Judge Mason upon similar grounds.—A. I have conversed with but few Democrats on this subject. In regard to any large number of Democrats supporting Mr. Mason, I should depend upon reports and such inferences as would naturally be drawn from such few conversations as I have had.

10. Q. You may state those inferences and such knowledge as you may have derived therefrom.—A. I have been led to believe that a con-

siderable number of Democrats voted for Mr. Mason because they did not approve of the nomination of a Greenbacker by their own party.

11. Q. Was the opposition to Mr. Duffy's election, in your judgment, rendered more formidable in Democratic circles by reason of the fact that the Democratic convention in the State of New York at its last annual convention, and in its declaration of principles, declared in favor of hard money and the resumption of specie payments by the general government?—A. It ought to have been, but how far voters are influenced by their party platforms I could express no opinion.

12. Q. Do you not understand that the leading Democratic papers of the State, like the New York World, the New York Herald, the Albany Argus, and, indeed, nearly or quite the entire Democratic press of the State, advocated the principles of finance as set forth at that convention and combatted what was denominated by them the Greenback heresies of inflation?—A. I so understand it.

13. Q. And do you not understand also that those papers last fall were generally taken and read in Democratic circles throughout the twenty-four Congressional district, and especially so at Hamilton?—A. I supposed they were; have not much positive knowledge as to that.

14. Q. Have you knowledge of any recognized Democratic paper within the State which did not adhere during the campaign to the financial sentiments expressed in the Democratic platform?—A. I have not.

15. Q. And do you not regard it as an anomaly for the Democratic party in State convention to declare in its declaration of principles in favor of resumption, nominate a State ticket pledged to the support of resumption, advocating and supporting that ticket under such declaration, and contending against an opposing faction or party, and seeking the defeat of a State ticket pledged to inflation; that hard-money Democrats should be called upon at the same election to sustain and support those principles of finance favorable to resumption as to the State ticket; that Democrats so pledged should at the same time be called upon to support a candidate for Congress who is openly and avowedly a Greenbacker, actively engaged through the campaign in publicly denouncing and opposing such resumption?—A. The two things seem to me to be entirely inconsistent.

16. Q. When asked to state what influence led you to support Judge Mason instead of Mr. Duffy, your reply, if I mistake not, was that one of those causes, and the controlling one, was the question of finance. You may state any other influence which tended to lead you to the support of Judge Mason.—A. My personal acquaintance with Judge Mason, the high estimate I set upon his ability, and my interest in him as a fellow townsman.

17. Q. Did you take his moral character and social position also into account?—A. I certainly had confidence in him as a man, and regarded him as one likely to be a creditable Representative.

18. Q. And were you at the polls on election day?—A. Only for a short time.

19. Q. And did you on that day, from anything which you saw or heard, have reason to believe that money or other corrupt influences were at work in the interest of Judge Mason's election?—A. I did not.

20. Q. From anything which has come to your knowledge since that election, have you reason to believe that Judge Mason or his friends, through money or other corrupt influence, corrupted that election?—A. I have heard rumors, but have no knowledge to warrant such a belief.

21. Q. From your knowledge of Judge Mason, his character as a man of integrity, do you believe that he would either use or encourage the

use of money or other corrupt means whereby to accomplish his election?—A. It would require the strongest evidence to make me believe that he would employ money for other than legitimate purposes.

Cross-examination by S. D. WHITER:

22. Q. Did you hear Dr. Dodge sworn to-day?—A. I did.

23. Q. Did you hear him say in substance that Judge Mason's denial of the fact of the use of money by him or his friends would overcome any evidence that might be offered?—A. I heard him say in substance that Judge Mason's denial would outweigh any amount of ordinary political gossip.

24. Q. Which do you understand has the severer penalty, the buying of votes or the crime of perjury?—A. I should suppose that perjury would involve the greater penalty.

25. Q. Which has the greater penalty by the law, the buying of the votes or the simple denial of it without oath?

(Objected to; immaterial, incompetent; that Professor Andrews is not obliged to impart his knowledge of law to Counselor Whiter. Objection sustained. Dissented to by Scranton.)

A. I suppose that the latter is not punishable by law.

26. Q. Is it not your judgment, founded upon experience, that the man who commits a crime involving a penalty will, as a general rule, deny that crime to the end, that he may escape the penalty.

(Objected to as immaterial and incompetent. Objection sustained.)

A. It is.

27. Q. Judge Mason's high character in the community where he lives has been referred to. Now, is it not true, in your judgment, that the profession of a teacher is just as honorable as the profession of the law?

(Objected to as immaterial, incompetent, and indelicate, inasmuch as Professor Andrews is a teacher and the gentleman propounding the question a lawyer. Objection sustained. Mr. Scranton dissents.)

A. I should hope so.

28. Q. Do you not understand that Sebastian Duffy sustains the same relation to an institution of learning in the county of Oswego as does Dr. Dodge to Madison University?—A. I have heard that Mr. Duffy has been principal of an academy in that county.

29. Q. And that, too, for many years?—A. No knowledge as to the length of time.

30. Q. Do you know that Sebastian Duffy does not stand as high socially and every other way in the place where he lives as Mr. Mason does where he lives?—A. I have no knowledge sufficient to answer the question.

31. Q. Do you know he does not?—A. I have no personal knowledge unfavorable to Mr. Duffy.

32. Q. I assume that the fact that he is a teacher as well as yourself, and he having obtained additional honors, does not in the least make you envious of his reputation, and for that reason you voted against him. Am I correct in that assumption?—A. You are.

33. Q. You say that there have been rumors in relation to the fairness of this election. Now, sir, were those rumors existing before this investigation commenced? If you do not know when it commenced, then state when those rumors commenced, to your knowledge.—A. I heard some such rumors before the time when, as I suppose, this investigation began.

34. Q. How soon after election did you hear such rumors?—A. That

would depend upon what rumors are meant. But whether these rumors related to facts which affected the fairness of the election in the proper sense of that term, I could hardly judge.

35. Q. What do you mean by saying that you cannot judge as to whether rumors after election affected the result of the election?—A. Let me explain. I heard rumors that money was used, but did not hear that it was employed in purchasing voters, and so judged that it might have been used for purposes commonly regarded as legitimate. The only exception is the report which I heard that a colored man in Hamilton had been induced, either by the gift or the promise of money, to vote the Republican ticket, when he was said not to be a legal voter. Whether this report is true or not, I do not know.

36. Q. In your evidence a few moments ago, I understood you to say you heard rumors regarding the use of money. Did you mean by that simply this one rumor?—A. No.

37. Q. State, then, the other rumors.—A. I heard the opinion expressed by some one that money was used in Oswego City, and that persons in Hamilton were paid for their time in distributing votes upon election day, but did not hear any specific charge as to the purchase of votes, except in the single case of the colored man before referred to. The reported use of money in Oswego was said to have been for the employment of Democratic poll-drivers to distribute votes for Judge Mason.

38. Q. And in whose interest did you hear that persons were paid for distributing votes in Hamilton Village on election day?—A. It was rumored that some Democrats in Hamilton received compensation for their day's labor in soliciting votes for Judge Mason.

39. Q. Did you derive any of this information in relation to the city of Oswego from Mr. Burchard of that city?—A. I did not.

40. Q. How long were you at the polls on the day of election in Hamilton?—A. As I remember, not more than five or ten minutes; can't speak positively.

41. Q. I assume that you peddled no tickets; am I correct?—A. Well, sir, I handed one or two school commissioner tickets to friends, being interested in the candidacy of Mr. Morgan, who had been one of our students.

42. Q. Was Mr. Morgan a Greenbacker?—A. He was.

43. Q. Did you observe the action of poll-drivers at this election while you were present?—A. Did not notice what tickets they were using.

44. Q. Did you stay here long enough so you can state or give an opinion as to the fairness of the election on November 5 last?—A. I should hardly think I was competent to judge of anything but what I saw.

45. Q. Do you think that if there had been money freely used on that day or during the time, even while you were here, that it would likely have been done in your presence?—A. I do not.

Redirect:

46. Q. Do you know anything with reference to the authenticity of those rumors?—A. No, sir.

47. Q. Can you name any one who has ever professed to believe in your presence that there was any foundation in fact of those rumors except as to the colored man?—A. I do not know that I can.

48. Q. Are you able to state as to whether they originated or not in the diseased imagination of certain Greenback politicians after finding



that the number of Greenback votes cast in Hamilton fell very far short of their expectations ?—A. I doubt whether these rumors reached me to any extent from any Greenback politician.

49. Q. I am sure, professor, that while you intended to answer my question you have not done so.—A. I remember they came to me from other sources chiefly.

50. Q. Can you state where they originated ?—A. I should answer I cannot.

51. Q. How long after the election before you became aware of these rumors, or some portion of them ?—A. I think I heard something of the kind next day.

52. Q. Did you hear anything which impressed you with the idea, or led you to the belief that corrupt influences had contributed to the election of Judge Mason ?—A. With my understanding as to the meaning of corrupt influences, I should say no. Except as to case of colored man above referred to.

53. Q. Did you hear with reference to the colored man on the day after election ?—A. I think I did; can't state positively.

54. Q. Did you not hear that the colored man swore in his vote ?—A. I think I did.

55. Q. And have you knowledge that he did not swear truthful on that occasion ?—A. No personal knowledge as to that.

56. Q. You have no knowledge, I suppose, which can enable you to say whether that colored man had been a resident of Madison County or not for the four months next preceding the election ?—A. No personal knowledge.

57. Q. And you do not know, I suppose, whether any of those rumors which you heard are founded in fact or in fiction ?—A. I do not.

58. Q. But you do know, I suppose, that fact is sometimes stranger than fiction ?—A. It is said to be.

#### Recross:

59. Q. You have stated that you received those rumors from other than Greenback sources; state from what sources you did receive them.—A. I think they came to me from Republicans and Democrats alike. Could not trace any specific rumor to any particular person.

60. Q. I understood you to state, in answer to contestee's counsel, that you did not hear anything which impressed you with the idea or led you to the belief that corrupt influences had contributed to the election of Judge Mason, except that of the case of the colored person; do you wish to be understood that hiring Democratic poll-drivers to peddle Republican tickets is not corrupt ?—A. For a Democrat who believed in hard money to solicit votes for Judge Mason, even if he received compensation for time spent in so doing, would not in my judgment be corrupt, provided such compensation did not decide his own vote, and no part of it was employed in purchasing the votes of others.

61. Q. Upon such a theory as that, would it not be quite easy to evade the election law and escape punishment ?—A. I don't know enough of the election laws to give an opinion as to that.

62. Q. Aside from the law, do you consider that a straightforward way of conducting elections ?—A. I have supposed it to be something not very uncommon. With the provisos that I have stated I should not feel called upon to condemn it.

63. Q. Would you feel called upon to approve it ?—A. In certain circumstances I could conceive that it might be entirely proper.

64. Q. As a general rule would you approve it ?—A. If the compensa-

tion should be larger, I can conceive that such a course might be attended with a certain danger that the poll-driver might employ some portion of the money corruptly.

65. Q. If a man be under a promise of pay to work for a particular candidate do you think he could well, or naturally would, do his whole duty to the public in relation to the balance of the ticket that he or other men might vote?—A. I do not know that his duty to the public would be involved.

Adjourned to February 23, at 9 a. m.

66. Q. You have spoken of the high character of Mr. Mason; now, without seeking to detract anything therefrom, have you not heard it charged or stated that there was a "Republican ring" in this county?

(Objected to; immaterial, incompetent, and does not relate to the issues joined between the parties. Objection sustained. Scranton dissenting.)

A. I have not heard that charge in any such form as would impair my confidence in his moral character.

67. Q. To whose moral character do you refer?—A. Judge Mason's.

68. Q. Have I asked you anything in relation to Mr. Mason's moral character, and if I have not, why answer me thus?—A. I supposed your question implied in your mind Judge Mason's connection with the Republican ring referred to, and the effect of such a charge, if made, would altogether depend upon the character of the so-called ring.

69. Q. I desire an answer to the question as it is upon the record, and not what you may suppose that I referred to or had in my mind, and therefore I repeat the question; I desire a direct answer, if it can be given.

(Objection renewed. Same ruling.)

A. I have heard it charged that a Republican Ring, so called, exists in Madison County.

70. Q. You have answered the last question quite directly; please answer me another equally direct and candid, which is as follows: Are you sufficiently acquainted with politics and political men throughout the counties of Oswego and Madison, so that you are enabled to say that it is not charged that Mr. Mason belongs to that ring, and that it is talked by some that it is a corrupt and dangerous one? This question clearly is susceptible of an answer yes or no; and I desire one.

(Objected as before. Same ruling.)

A. I will answer yes and no.

I regard your last answer as quite satisfactory, and each part thereof is equally so.

Redirect by J. J. LAMOREE:

71. Q. You have spoken with reference to certain rumors which came to your ear regarding the employment of Democratic poll-drivers at Oswego; was it some little time after the election that you first heard rumors of that character?—A. It may have been a week after; I think it was while the extent of Mr. Mason's majority was still in doubt.

72. Q. You mean by that, before the official canvass had become publicly known, do you not?—A. I should answer yes to that.

73. Q. And could you be positive that it was not from ten days to two weeks after the election that those rumors reached you?—A. I could not be positive as to that.

74. Q. Are you able to state where those rumors originated, and through how many hands they had come before reaching you?—A. I am not.

75. Q. Do you understand, professor, that it has for many years been customary, and among all parties, to have poll-drivers, as you call them, or distributors of tickets as some call them, at the polls on election day?—A. I have supposed it to be customary.

76. Q. You understand that their duties consist mainly in supplying votes at the polls, and for the respective parties, to those who desire to exercise the elective franchise?—A. I do.

77. Q. Are you an ordained minister of the gospel and of the Baptist Church?—A. I am a licensed preacher of the Baptist denomination.

Recross-examination by S. D. WHITER:

78. Q. I think you have just heard your testimony of yesterday read, and I think that it is recorded that you heard these rumors in relation to the hiring of poll-drivers the next day after election; is that your recollection as to the way your testimony is recorded?—A. I do not remember to have said so.

79. Q. Would you state that you did not say so?—A. I could not fix the time otherwise than by saying that it was within a week or so.

80. Q. Do you think that was an answer to my question?—A. I do not think that I said so.

81. Q. You say you have heard it was customary among parties to pay poll-drivers; have you heard it was customary to hire poll-drivers from the opposite party?—A. I do not know that I have heard as to that.

It is conceded there is daily communication by rail between Oswego City and Hamilton Village by two routes.

Redirect:

82. Q. Do you know of the existence of a political ring representing the Republican idea in Madison County?—A. I have no personal knowledge of the existence of any such ring.

83. Q. Do you believe, professor, that Counselor White, if he had knowledge of the existence of that ring, would have sought classical knowledge from you on the subject?—A. I decline to answer.

N. L. ANDREWS.

Subscribed and sworn to February 28, 1879.

O. B. LORD,  
*Notary Public.*

Parties met, pursuant to adjournment, at 9 o'clock a. m., February 28, 1879.

*Deposition of N. Fairchild.*

NELSON FAIRCHILD, a witness sworn, testified as follows:

1. Question. Mr. Fairchild, what is your age?—Answer. Seventy-two past.

2. Q. How long have you resided in Hamilton?—A. Fifty years, or more.

3. Q. Known Judge Mason from his childhood?—A. From a small lad.

4. Q. What is your business?—A. I have been a tailor.

5. Q. What business do you carry on now?—A. None.

6. Q. What has been your politics through life?—A. Democrat.

7. Q. Did you vote for Judge Mason's election to Congress last fall?—A. I did.

8. Q. You may state, if you please, the causes which induced you to

vote for Judge Mason instead of Sebastian Duffy for Congress.—A. I did not know Mr. Duffy and my choice would have been a true hard-money Democrat in preference to either, and I voted for Judge Mason out of friendship also. Those were the only considerations.

9. Q. You were opposed, then, I assume, to Mr. Duffy's ideas of inflation of the currency?—A. Somewhat.

10. Q. Did you hear his speech in Hamilton?—A. I did not.

11. Q. Did you hear Governor Boutwell?—A. No, sir.

12. Q. Did you regard Sebastian Duffy as the exponent or representative of Democratic ideas?—A. I did not exactly, from what I heard. I did not hear him.

13. Q. I have heard it laughingly remarked that after you had voted for Judge Mason as you left the polls you remarked, "I will now go out and see if I can find my party"; is that correct?—A. There is a little more to it.

14. Q. You may state what you did say.—A. I voted for Judge Mason, and he is the only man I did vote for, and I said I would go out and see if I could find my party, and if I found it I would come back soon. I did not come around again.

15. Q. I assume from that you were not successful in finding your party?—A. Not as I formerly had done.

16. Q. Wherein did you find it different, Mr. Fairchild?—A. It was because I understood that the Democratic party had divided; a part of it was Greenback and part not.

17. Q. And you did not favor the Greenback element?—A. I did not.

18. Q. Were you one of the stockholders in the National Bank of Hamilton?—A. I was and am now.

19. Q. If I mistake not you have always prided yourself upon being a Jacksonian and Silas Wright Democrat?—A. I have.

20. Q. And were you a personal friend and acquaintance of Silas Wright in his lifetime?—A. A friend, but no personal acquaintance.

21 & 22. Q. Do you know of other Democrats in Hamilton and vicinity who you understood voted for Mr. Mason?—A. I understood my son Leroy voted for him. He told me so. I have heard that every Democrat on Madison street voted for Mason except one.

23. Q. And could you name that one?—A. David C. Mott.

24. Q. You may name the Democrats who live upon that street.—A. William Fairchild, Dr. Peter B. Havens, Wilson Parker, formerly a member Democratic State committee, Samuel Wickwire, Jackson Hackley, D. B. West, Newton Wickwire, Jarret Wickwire, Frank Wickwire, Charles M. Wickwire, Leroy Clark, Warren M. Rice, Albert Pierce, Joseph Stevens, Geo. Beal; and there are others, but I can't name them.

25. Q. And are those you have named from among the most respected citizens in town?—A. I will say they were good citizens.

26. Q. Have you reason to believe that any one of them would sell his vote on election day for a consideration?—A. I should not believe it in any one of them.

27. Q. Did you see, or do you know of any money having been used by Judge Mason or those aiding his election for the purpose of corrupting the election?—A. Did not see or know of any being used for that purpose.

28. Q. Do you believe that Judge Mason would either use or countenance the use of money for unlawful purposes and with a view to corrupting the election?—A. I have no reason why I should believe it.

29. Q. Have you heard of the rumors which have been set afloat in

Hamilton to the effect that Judge Mason or his friends had used money for that purpose?—A. Not very much.

30. Q. And the most you have heard has been since this contest commenced, has it not?—A. It has.

31. Q. Do you place any reliance upon those rumors?—A. Not much. Counsel for contestant does not desire to cross-examine the witness.

NELSON FAIRCHILD.

Subscribed and sworn to February 28, 1879.

O. B. LORD,  
Notary Public.

*Deposition of Andrew Jackson Hackley.*

ANDREW JACKSON HACKLEY, a witness sworn, testified as follows:

1. Question. Where do you reside?—Answer. In Hamilton.
2. Q. What is your age?—A. Sixty-three.
3. Q. On what street do you reside?—A. On Madison street.
4. Q. Do you know Judge Joseph Mason?—A. I do.
5. Q. Does he reside upon same street?—A. He does.
6. Q. How long have you known Mr. Mason?—A. Since he was quite young.
7. Q. What has been your politics through life?—A. Democrat.
8. Q. Of which class in '48—hunker?—A. I was what was known as a Union Democrat; same as Governor Seymour.
9. Q. Did you vote for Judge Mason last fall for Representative in Congress?—A. I did.
10. Q. What motives impelled you to the support of Judge Mason as against Sebastian Duffy, the Greenback and Democratic candidate?—A. The Democratic party had no candidate. The delegates failed to make a nomination, but indorsed Duffy, as I understood. Judge Mason was in accord with me in what I deemed an important and vital question for the interests of the people; Mr. Duffy was in discord with me. I was in favor of an honest dollar, and I knew, from what I learned, he was in favor of a dishonest dollar. Financially, of the two evils as between him and Judge Mason I chose the least, believing him to be a good and honest man.
11. Q. I take it from what you have said that you entertain a high appreciation of the moral character and high personal standing of Judge Mason, and that you regard him in every sense as a man of integrity?—A. I do, sir.
12. Q. Have you heard of the rumors that have been set afloat to the effect that he or his friends resorted to the use of money on election day for the purposes of corruptly affecting the result of that election?—A. Well, sir, I suppose I have heard them, but they passed by me like the idle wind; I paid no attention to them. When this examination was commenced I asked what the import of the charges were, and then I first understood the charges.
13. Q. Have you reason to believe that those rumors, affecting the action of Judge Mason, have any foundation in fact?—A. I have not, for these reasons: Judge Mason is my neighbor, my counsel has been. I informed him the day before election, first, that I desired him to send me some of his tickets for Congress; that I intended not only to vote for him, but to work for him; to be at the polls before they opened; to stay at them until after they were closed. If any money was to be used or any means, improper, unfairly, cunning, shrewd, I think that he might have said something to me, if money was to be used, with reference to the

canvass, even for expense. He not having said anything, therefore, it is with my high esteem of his character I do not believe he either used or counseled the use of money for improper purposes.

14. Q. You may state with reference to your experiences on election day and what you saw with reference to Democrats voting for Mr. Mason on election day.—A. I can say, my observation from what I saw, that nearly all the reliable and intelligent Democrats voted for Judge Mason as against Mr. Duffy. It was more to vote against Mr. Duffy on the financial question than it was to vote for Judge Mason.

15. Q. And did you supply those Democrats, or any of them, with tickets when they came to vote?—A. I did a portion of them; such as came to me or I went to, personal friends of mine.

16. Q. You may name such Democrats whom you know or have reason to believe voted for Judge Mason?—A. It would be almost impossible for me to recall the names. Men would come to me and take tickets and pass on to the polls. Several of the professors, and nearly all of our Democrats on Madison street; those that Mr. Fairchilds has mentioned.

17. Q. I don't suppose that the Democrats who voted for Judge Mason was necessarily confined to the residents of Madison street?—A. O, no, sir. They were all around the village and in this part of the town who vote here.

18. Q. And from what you knew of those supporters of Judge Mason from the Democratic party, were they men of means or high social standing in the community—I mean from the better class?—A. Very many of them were.

19. Q. Did you see any evidences on election day of the use of money or the employment of other improper means on the part of Judge Mason or his friends and supporters tending improperly to affect the result of the election?—A. I did not.

20. Q. And have you at this time any reason to believe that they were used?—A. No, sir; I have not in the least.

21. Q. Did you during the campaign often hear inflated boastings of the inflationists or Greenbackers, so-called, with reference to the number of votes which they expected to cast at the election in Hamilton?—A. Yes; I have heard such boasting, but I called them vain boastings at the time. Never expected to see them fulfilled.

22. Q. Did you hear Mr. Duffy's speech?—A. No, sir.

23. Q. Did you hear his speech spoken of afterwards?—A. I did.

24. Q. And was it spoken of favorably or unfavorably?—A. Unfavorably, what I heard.

25. Q. From what you heard on that question, is it not your opinion that the same tended to unite the hard-money Democrats in your vicinity against Mr. Duffy?—A. My impression is it did not help the Greenbackers, but did confirm some hard-money Democrats against him.

26 and 27. Q. Was your father in Congress at the time of General Jackson's administration or about that time?—A. No, sir. Father was in Congress with Clay, before Jackson was President. My father was a Jacksonian Democrat.

28. Q. And you were named after Jackson?—A. I was; and in recognition of that fact General Jackson, in reply to a communication sent by my father, sent a letter to me when, after being informed I was named after him. The substance of the letter and contents was this: I send you a half-dollar silver piece. It is not for the value of the piece I send you, but the eagle of your country, and as my namesake I charge you ever to wear and defend it.

Cross-examined by Counselor WHITE :

29. Q. Did you have that money previous to and soon after you voted for Judge Mason ?—A. I did.

Redirect :

30. Q. And in voting for Mr. Mason and Jacksonian money, you cast no reproach either upon General Jackson or the coin which he sent you, I suppose ?—A. No, sir.

ANDREW J. HACKLEY.

Subscribed and sworn to February 28, 1879.

O. B. LORD,  
*Notary Public.*

*Deposition of William Fairchild.*

WILLIAM FAIRCHILD, affirmed, says as follows:

1. Question. How old are you ?—Answer. Seventy years.
2. Q. Where do you reside ?—A. At Hamilton.
3. Q. How long have you resided in Hamilton ?—A. I think about fifty years, or over.
4. Q. Are you acquainted with Judge Joseph Mason ?—A. I am.
5. Q. How long have you been acquainted with him ?—A. I think about twenty years.
6. Q. During the whole of that time has he resided in Hamilton ?—A. I believe he has.
7. Q. What is your politics ?—A. Democrat.
8. Q. Have you always been a Democrat ?—A. Tried to be, and believe I have.
9. Q. Did you attend the last general election held in the village of Hamilton ?—A. I did.
10. Q. For whom did you vote for Representative in Congress ?—A. Joseph Mason.
11. Q. What prompted you to vote for Joseph Mason for Representative in Congress, instead of voting for Sebastian Duffy ?—A. I approved of his principles as, I believed, a financial representative of our country, instead of Sebastian Duffy.
12. Q. From your answer to the last question, I infer that you did not approve of the views of Sebastian Duffy upon the question of finance, as you understood them to be. Am I correct ?—A. You are correct.
13. Q. Did you understand that Mr. Duffy was in favor of inflating our currency and was opposed to our national banking system ?—A. I did.
14. Q. Did you hear his speech made at Hamilton during the last political campaign ?—A. I did.
15. Q. Did you approve of his financial views as expressed in that speech ?—A. I did not.
16. Q. Were there any other reasons why you supported Mr. Mason for Representative in Congress instead of supporting Mr. Duffy for such Representative ? If so, please give them.—A. I know of no other reason except what I have stated, except friendship from acquaintance with Judge Mason.
17. Q. Do I understand you to mean that from the long acquaintance you have had with Judge Mason you held him in high esteem as an honorable gentleman and worthy man ?—A. I so mean.

18. Q. Are you informed, and do you believe that other gentlemen, members of the Democratic party, residing at Hamilton and in its vicinity, voted for Judge Mason for Representative in Congress?—A. I have been so informed and so understood.

19. Q. Can you name those gentlemen? If you can, please do so.—A. I can name a few, but can't name all: LeRoy Fairchild, Nelson Fairchild, Jaret Wickwire, Charles and Frank Wickwire, Samuel Wickwire, Andrew J. Hackley, E. B. Mott, D. B. West, Eli Barber, Geo. Barber, Hugh Leonard, and others.

20. Q. Are these gentlemen honorable citizens of the village of Hamilton?—A. They are.

21. Q. Have you any reason to suspect or believe, or do you suspect or believe, that these gentlemen you refer to, any or either of them, voted for Judge Mason because of any corrupt or improper influences brought to bear by Judge Mason or any of his friends?—A. No.

22. Q. After Mr. Duffy addressed the citizens of Hamilton, at the time before referred to, did you hear his speech and ideas therein advanced commented upon?—A. I did.

23. Q. Was his speech favorably received by the hard-money Democrats in Hamilton and its vicinity, as you understand it?—A. It was not.

24. Q. From your answer to the last question I understand that, in your opinion, he lost votes in Hamilton by reason of that speech; is that true?—A. I believe that is true.

25. Q. Prior to the election, and after Mr. Duffy made that speech, did you hear different gentlemen, members of the Democratic party, speak in opposition to that speech?—A. Yes; I heard some speak of it unfavorably.

26. Q. After Mr. Duffy made that speech, and before the election, did you hear hard-money Democrats say they could not support him because of his financial views, or words to that effect?—A. I might have heard and think I did hear some speak of it, and none approved of his views.

27. Q. How long were you at the polls on election day?—A. Only long enough to cast my vote.

28. Q. On election day, either at the polls or elsewhere, did you see or know of any money being used by Judge Mason or any of his friends to corrupt the election or to secure votes for him?—A. I did not.

29. Q. Were you in the streets and other public places in the village of Hamilton on the last election day?—A. I was in the street, and suppose I was in some public place or places.

30. Have you any reason to believe, knowing Judge Mason as you do, that he improperly used money to secure his election?—A. I have not the least.

31. Q. Have you heard of the rumors put afloat since his election concerning the use of money?—A. I have heard some rumors.

32. Q. Do you believe those rumors to be well founded?—A. I do not, and do not believe them at all.

33. Q. Did you hear any such rumors until after election and after Judge Mason was declared elected?—A. Did not.

34. Q. From what you heard, can you tell anything about the number of votes the Greenback party expected to cast at the last election in this district?—A. I cannot.

35. Q. From what you heard said after the election, do you not understand that the members of the Greenback party were disappointed in that they did not poll near the number of votes they expected to poll in this election district?—A. Yes; I understand they were disappointed.



36. Q. Do you not believe, and is it not currently reported and understood at Hamilton, that the rumors concerning the use of money and other improper influences to which you have referred are largely due to such disappointment by those who voted the Greenback ticket and supported Mr. Duffy, and that such reports were put in circulation largely by that class?—A. So I understand and believe.

37. Q. From your long acquaintance with Judge Mason and your knowledge of his integrity, and from all you know and have heard of the surroundings, do you not believe and regard the rumors concerning the use of money and other improper influences on the part of Judge Mason and his friends to be idle political gossip and not worthy the consideration of respectable and prudent men?—A. I do, most emphatically.

38. Q. Is there a national bank in the village of Hamilton?—A. There is.

39. Q. Are you a stockholder in said bank?—A. I am.

40. Q. Are you one of the officers of the bank; and, if so, what office do you hold?—A. I am a director.

Cross-examination :

41. Q. Do you know how much money that bank contributed toward the \$1,500 that was sent to Oswego before election?—A. I know nothing about that.

42. Q. Do you know whether the bank contributed any money to that fund or to that \$1,500?—A. I know nothing about it.

Redirect by J. E. SMITH :

43. Q. Do you know of \$1,500 or any other sum of money being sent to Oswego County or City before election?—A. I do not.

44. Q. Does Judge Joseph Mason keep a bank account with the National Bank of Hamilton?—A. I think he has been in that habit.

45. Q. Have you any reason to believe that Judge Mason ever drew one dollar from this bank to use improperly in the last election?—A. I have not; no reason whatever.

46. Q. And I understand you do not believe he so did?—A. I do not believe he so did.

47. Q. Were you one of the inspectors of the bank?—A. I was or am.

48. Q. Was your relation to the bank such, if you please, that had Mr. Mason drawn from the bank \$1,500 or any other considerable sum, would you have been likely to have known it?—A. I think I should not have known it.

49. Q. Have you ever heard since the election with reference to the amount of money, if any, withdrawn from your bank by contestee from the time of his nomination down to the day of the election?—A. I have not.

50. Q. Who are the bank officers in charge of the bank?—A. Alvah Pierce, president, of Hamilton; Alonzo Peck, vice-president, of Eaton; D. B. West, cashier, of Hamilton; Maro Hubbard, teller, of Hamilton; William M. West, assistant teller, of Hamilton; directors: D. B. West, Alvah Pierce, Franklin Pierce, C. M. Mott, Alonzo Peck, William Fairchild, J. D. F. Smith, Dr. E. Dodge, Wells C. Russell.

51. Q. Do you understand that each and all of those gentlemen supported Judge Mason?—A. I believe they did, from the best of my knowledge; am not positive.

52. Q. State as near as you can the number of the stockholders of the bank?—A. Forty, I should say, to place it within bounds.

53. Q. And do they mainly reside at Hamilton?—A. They do.

54. Q. What is the capital of your bank?—A. \$110,000.

55. Q. You may state what you may know with reference to Hamilton being a favored spot with reference to its becoming the home of wealthy and retired capitalists?—A. The literary advantages and the pleasant location make it more favored than many other places in that respect.

56. Q. And are there considerable numbers, so far as you know, who hold larger or smaller investments in United States bonds in this vicinity?—A. I think there are.

57. Q. And did Mr. Duffy in his speech inveigh against the bond-holders, proclaim them a favored class, and pronounce in favor of redeeming those bonds and calling in national securities by an issue of *paper* money, or that in substance?—A. I so understood him from his speech which I heard.

WILLIAM FAIRCHILD.

Subscribed and sworn to February 28, 1879.

O. B. LORD,  
Notary Public.

*Deposition of Eli Barber.*

ELI BARBER sworn, and testified as follows:

1. Question. Where do you reside?—Answer. In Hamilton, Madison County, New York.

2. Q. And how long have you resided at Hamilton?—A. Since the fall of 1837.

3. Q. And what is your age?—A. 59 years the 9th of last August.

4. Q. Been acquainted with Judge Joseph Mason how long?—A. Can't give exact time, but from 30 to 35 years.

5. Q. Then you have known Judge Mason intimately during the whole of his business life?—A. I have, and he has boarded with me several years of the time.

6. Q. What has been your political predilections since you were 21 years of age?—A. Democratic always, with a few exceptions.

7. Q. And have you held that relation to Judge Mason for many years?—A. I have.

8. Q. And did you vote for Judge Mason at the last election for member of Congress?—A. I did.

9. Q. You may state, Mr. Barber, if you have no objection, what causes impelled you to the support of Judge Mason instead of Sabastian Duffy.—A. For two reasons; first, that Mr. Mason was an intimate friend of mine, and have known him favorably for a good many years as an honorable man; 2d, Mr. Duffy did not agree with me upon the financial question.

10. Q. Did you regard Mr. Duffy's position upon the financial question as opposed to the time honored principles of the Democratic party and to the principles of that party promulgated and set forth in the Democratic platform in the State of New York last fall?—A. I understood it so.

11. Q. Did you regard yourself as bound by party ties to support a candidate openly and avowedly opposed to the Democratic party on so vital a question?—A. Did not and could not support him upon that ground, even if Judge Mason had not been the opposing candidate; and I said before the Democratic party adopted him, I could not support him in case of his adoption.

12. Q. And did you know of other Democrats in Hamilton and vicinity who were equally opposed to Mr. Duffy as the Democratic candidate?—A. I did.

13. Q. You may name them.—A. D. B. West, E. B. Mott, William Fairchild, Nelson Fairchild, LeRoy Fairchild, Joseph Stevens, Charles Wilcox, Charles M. Wickwire, Kirk Barber, Dr. E. Dodge, Professor Andrews, A. J. Hackley, Hugh Leonard, Frank Wickwire, Samuel Wickwire, Newton Wickwire, Peter B. Havens, James Shores, Smith Shores, Jerome Shores, William Dewit, and Edward Orsborn, Robert Upham, Robert Patterson, Charles M. Mott, Mr. Austin Tibbetts; can't call any others to mind.

14. Q. And were these gentlemen all Democrats?—A. I have always recognized them as such.

15. Q. And were they usually, or any of them, active and earnest workers for that party during times of election; and, if not all, name those who have been accustomed to work at the polls on election days in behalf of the Democratic ticket?—A. A good many of these are usually active workers at the polls.

16. Q. And are they each and all of them worthy and creditable people?—A. They are.

17. Q. I understand you to say these gentlemen were opposed to Mr. Duffy upon the financial question?—A. I understood it so.

18. Q. And did many of them advise you so themselves?—A. Some of them did prior to the election.

19. Q. From your knowledge of those men, and I understand they all live in your village, do you believe that any one of them could be influenced in his political action by a money consideration?—A. I don't think they could.

20. Q. Were you at the polls on election day?—A. I was.

21. Q. And in support of the Democratic State ticket?—A. I was.

22. Q. And did you while at the polls on election day, or at any time previous thereto, from anything which you saw or heard, have reason to believe that money was being employed by Judge Mason, or his friends, to influence the result of his election improperly?—A. I did not.

23. Q. Have you, or did you, subsequent to the election, hear and know of and concerning certain rumors which had been set afloat by unknown persons, to the effect that Judge Mason, and if not Judge Mason, that the supporters of Judge Mason, had resorted to the use of money?—A. I did. The first that I heard of it was upon the post office steps. I think the day after election I met Mr. Albert Dart and Mr. Rowland, a neighbor to Mr. Dart, the gentleman sworn the other evening. I said to them that they could not have got out their Greenback vote from the appearance of the ballot. They said that they could not beat money, or words to that effect. I told them that I did not believe there was one dollar used for purchasing votes in this election district. Mr. Dart laughed in an insinuating way, "O, no, you don't know." I told him that I would make an affidavit that I did not know of a dollar used for election purposes in that direction. They did not make any reply, but passed on; that is the first I heard of any money.

24. Q. From the manner in which Mr. Dart spoke to you at that time, had you reason to believe that he, in that conversation, undertook to sarcastically charge you with having used money in the interest of Judge Mason?—A. I do not know as I can say that, but I understood from what he said he thought I had knowledge of the use of money for that purpose.

25. Q. Did you understand, also, in that conversation that Mr. Rowland and Mr. Dart were encouraging a belief, or inspiring a belief, if possible, upon the street, to the effect that money had been used, by their insinuations?—A. Yes, sir; at that time I did.

26. Q. And that you say was the first you had ever heard on that subject?—A. It was.

27. Q. Was Mr. Dart and Mr. Rowland, through the greenback excitement preceding the election, active and zealous partisans in the interest of Mr. Duffy and the Greenback cause?—A. I understood it so; that they were very much engaged in the interest of the Greenback ticket.

28. Q. Did you know of their predictions some time before the election with reference to the Greenback strength likely to be developed in this vicinity in support of the Greenback ticket last fall?—A. I think I heard Mr. Rowland say that they would get 150 Greenback votes in this election district.

29. Q. Do you know how many votes the Greenback ticket received in this district in November last at election?—A. My memory is now 26 straight votes.

30. Q. And, as you understood at the time of your conversation with Rowland and with Dart, they attributed their great disparity of votes to the influence of money brought to bear by their opponents. In other words, that their expected strength had been swept away by the money power?—A. I so understood it.

31. Q. Did you not understand that the principal denunciations of the Greenback leaders through the campaign was directed against what they denominated the bankers, the bondholders, and men of liberal means?—A. I did.

32. Q. And did they not, as you understand, throughout that campaign profess to be fighting a battle against money and political corruption on the part of their opponents, and was not that power the especial object of their denunciation?—A. I think that was the great issue they made in their appeal to the people.

33. Q. Then did you think it anything strange that the same should be charged the day after election by the defeated partisans that had been so often predicted by the same partisans before the election?—A. I did not.

34. Q. Did you hear Mr. Duffy at the time he spoke in Hamilton?—A. I heard a part of his speech; not all of it.

35. Q. So far as you heard, did he not follow substantially the same line of argument, what he denominated the money power, and alleged general political corruption on the part of his opponents in the use of money?—A. I understood it so.

36. Q. Did you see Mr. Dart and Mr. Rowland at the polls on election-day?—A. I did.

37. Q. What were they doing on election-day at the polls?—A. They appeared to be very busy in securing votes for their party, I suppose.

38. Q. Were they not regarded as the head and front of this offending—the most active and earnest leaders of the Greenback cause?—A. I think they were as earnest as any members I know of that party. They worked hard.

39. Q. Rowland, as I understand, was committee-man for the Greenback party in this town, intrusted especially to look after the interest of his party?—A. I understood so.

40. Q. Was not both Rowland and Dart for several weeks before the

election active, earnest, and zealous workers for the Greenback cause?—A. I think they were. I so understood it.

41. Q. What were your observations on election-day with reference to Democrats supporting Judge Mason in this election district?—A. My observation was, a portion of the Democrats who were not pleased with Mr. Duffy were earnest in the election of Mr. Mason.

42. Q. Did they seem to be quite numerous as well as active, judging from the number who took votes from you, and from what you saw at the polls?—A. They did, and the canvass showed it.

43. Q. Mr. Barber, do you not believe that each and all the rumors set afloat in Hamilton in reference to the use of money, aside from the colored man, Hollingsworth, originated through political disappointment as to the result of the Greenback vote?—A. That is my impression.

44. Q. Is it not your honest, unbiased belief founded upon the facts within your knowledge?—A. It is.

45. Q. Have you reason to believe that there is any foundation in fact for those rumors?—A. I have no reason to believe them, and do not believe they are supported by the facts.

46. Q. You said that Judge Mason had boarded with you several years; were you at the time proprietor of the leading hotel in this place?—A. Yes, sir.

47. Q. And for how many years did you keep that hotel?—A. Seventeen years and two months.

48. Q. When did you cease being the proprietor of this hotel?—A. April 1, 1871.

49. Q. And have you repeatedly represented the county of Madison as a delegate in the Democratic State convention?—A. I have been delegate to State conventions; I was there on two occasions in that capacity.

50. Q. I will ask you to state what you may know with reference to the manner in which Judge Mason and his friends and supporters in Hamilton met those rumors as to the use of money when they were first made, and from that time to the present.—A. They were met with denial as far as I heard, on the part of both Judge Mason and his friends at the time they were made, and ever since.

#### Cross examination:

51. Q. You say that you represented the county of Madison in the State convention. Please state which district of the county.—A. I represented this district; don't remember the number; the district I live in.

52. Q. As you got to Saratoga, were you able to tell the convention where you did live?—A. There was no such question asked me; I could have told had I been called.

53. Q. To be serious, I observe that the contestee has called yourself and Dr. Dodge to give character to the defence; now state whether you made any elector on the day of election any promise of money or of employment, or any other consideration for his vote.—A. I did not.

54. Q. If you had done so, do you think you would now own it?—A. I would.

55. Q. Notwithstanding the penalties?—A. I am under oath, and propose to tell the truth, sir.

56. Q. Did you hear certain telegrams read from the city of Oswego the night of election, which were favorable to the election of Mr. Mason?—A. I did some; not all.

57. Q. Did you not state in substance in the presence of several indi-

viduals that you thought he was elected but it had cost him one year's salary?

(Contestee requests that both time and place be stated in the question.

Question amended by adding the evening of election as the time, and the village of Hamilton as the place.

Counsel for contestee asks that the place be stated more definitely.)

A. I never made any such statement at any place or at any time.

58. Q. Did you state, on the evening of election in Hamilton village, near the Park Hotel, in words or in substance, after receiving or seeing or hearing said telegrams read, "Mason fixed things when he went to Oswego the last time"?

(Contestee's counsel requests Mr. White to make his question more definite, and so as to state to or in the presence of whom the remark is alleged to have been made, if at all.

Mr. White, contestant's counsel, declines, because he does not wish his witnesses tampered with.

Contestee's counsel claims that is no more than fair both to witness and to contestee, to the end that contestee may have an opportunity to show what was said, if anything, on the occasion, before resting, and that the mind of the witness may be fully refreshed with reference to the alleged conversation, if any there be.)

A. I have no recollection of any such conversation whatever; I did not know when Mr. Mason was at Oswego the last time.

59. Q. Is that as positive as you can be?—A. I am very sure that I never had any such conversation.

60. Q. Will you swear positively you did not?—A. I think I did not.

61. Q. Are you positive?—A. I swear I am very positive that I never had any such conversation.

62. Q. Were you quite intimate with Judge Mason last fall and see him almost daily?—A. No more so than on other occasions; I did not see him daily.

63. Q. Do you know one Burchard, who resides in the city of Oswego?—A. I know him.

64. Q. He once lived in this village, did he not?—A. I believe he did.

65. Q. Was he frequently called Sam by his neighbors?—A. I could not say as to that; it was a good while ago that he lived here.

66. Q. How many years?—A. I am not able to tell how many years; my best recollection would be fifteen or eighteen.

67. Q. Did you state on the evening of election, in the presence of other individuals in the village of Hamilton, that when Mason went to Oswego the last time he and Sam fixed things, referring to Burchard?

(Counsel for contestee requests Counselor White to be more specific as to place and as to persons to whom the alleged conversation, if any, was addressed, both in fairness to witness and to contestee, that he may have an opportunity to show before resting his case what was said and to explain the same, should explanation be needed.

Counselor White declines to grant the request.)

A. I will say in answer to that that I did not know that Mr. Burchard was at work in the interest of Mr. Mason, and I did not say any such thing.

68. Q. Did you not state on the Wednesday or Thursday before election, to a person in this village, that Mr. Mason and De Lano had resolved not to be beaten, if it cost them what they were worth?

(Counsel for contestee makes the same requests as before. Counselor White declines.)

A. I never said so.

69. Q. Did you state to any person during the week before election that you had told Mr. Mason that he would be beaten unless he put some money into the canvass in the city of Oswego, in the village of Oneida, and some of the other larger towns, and he was a fool if he did not do it, or words to that effect?

(Same request renewed and declined.)

A. This is the first I have ever heard anything of the kind; I did not say it.

70. Q. Now, did you see any person on election day pay any money or make any promises of any kind whatever, or offer directly or indirectly any inducement of any kind whatever other than argument, to any elector at the polls in Hamilton, in the interest of Mr. Mason, or see or hear any other person do the same in his interest?—A. I did not.

71. Q. Did you hear any talk, or was there any suggestion made by you or in your presence, about giving any person or persons employment upon the Union school-house in consideration of a vote for Mr. Mason?—A. I did not; I know nothing of it.

Redirect:

72. Q. Mr. Barber, prior to election did you hear anybody call Sebastian Duffy a fool?—A. I decline to answer that question.

73. Q. Did you hear Counselor White before the election or about the time of the election, while expressing himself, say that Mr. Duffy in his judgment was a fool, and he could not support him?—A. I will say in answer to that question, Mr. White and myself had some confidential talk, and he said some things under the circumstances which would not be proper for me to state.

(With that explanation, counsel declines to press them.)

ELI BARBER.

Subscribed and sworn to February 28, 1879.

O. B. LORD,  
*Notary Public.*

We certify that the foregoing depositions of Jaret Wickwire, Hugh Leonard, Ebenezer Dodge, N. Loyd Andrews, Nelson Fairchild, Andrew J. Hackley, William Fairchild, and Eli X. Barber, were taken by us on Thursday the 27th and on Friday the 28th day of March, 1879, at Tripp's Hall in the village of Hamilton, Madison County, New York, and that they are correct and true as written in the foregoing pages.

Witness our hands and seals this 28th day of April, 1879.

[SEAL.]

O. B. LORD,

*Notary Public for Madison County.*

[SEAL.]

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

Evidence taken before C. W. Underhill as notary, with S. E. Scranton, jr., associate notary, March 25, 1879, at 9 a. m.

*Deposition of Edward D. Van Slyck.*

EDWARD D. VAN SLYCK, witness produced and sworn, testifies as follows:

1. Question. What is your age?—Answer. Forty-five years.

2. Q. You are the editor and proprietor of the Democratic Republican, a paper published in this place?—A. Yes, sir.

3. Q. What is your politics, and to which party does your paper give its support?—A. A Republican, and Republican party.

4. Q. And were you at the polls on election day, the 5th of November last?—A. A portion of the time.

5. Q. About what time in the day did you first go to the polls?—A. A few minutes past 8 o'clock in the morning.

6. Q. Did you see Judge Mason at the polls that day?—A. I did.

7. Q. How far is your place of business from where the polls were held?—A. About twenty rods.

8. Q. Did you know of certain students who are attending school at Colgate Academy or at Madison University, and who expressed a desire to vote on election day in Hamilton?—A. Yes, sir.

9. Q. And did you know of those students, some of them, on election day consulting with Judge Mason with reference to their right then and there to vote?—A. I did, several of them.

10. Q. And did you know with reference to those students having voted in Hamilton at former elections?—A. Some of them.

11. Q. How many votes, or about how many, have usually been cast by students or those attending those schools in Hamilton?—A. Some years as many as seventy-five or more.

12. Q. And what was the number last fall?—A. Never knew.

13. Q. Did you understand it was much less than on former occasions?—A. My understanding was it was less than twenty.

14. Q. And how did you account for this great reduction last fall in the students' vote in Hamilton?—A. I supposed it grew out of their understanding of Judge Wallace's dictum in regard to their gaining a residence.

15. Q. Then you understood that unusual care and prudence was used on the part of the students, as well as the faculty themselves, to see that no illegal votes were cast by students?—A. I so understood it.

16. Q. And did you also understand that Judge Wallace's opinion, as promulgated shortly before the election, was taken as the guide and became the decisive ground upon which they claimed their right to vote?—A. I so understood it.

17. Q. Judge Wallace, as you understand, was judge of the United States district court in and for the northern district of New York?—A. Yes, sir.

18. Q. And his residence is not within the twenty-fourth Congressional district, but is in the district represented by Hon. Frank Hiscock, as you understand?—A. I so understand it.

19. Q. And what advice, if any, did you hear Judge Mason give to the students who so expressed a desire to vote at Hamilton on election day?—A. He advised several of them not to vote at all unless they voted the whole ticket; that no one should vote unless he was perfectly satisfied that he was a legal voter.

20. Q. And did he advise them, also, in substance, to keep strictly within Judge Wallace's opinion?—A. He did.

21. Q. Did he say to them that if they had a right to vote a portion of the ticket, or a right to vote at all, then they had a right to vote the whole ticket; that the right to vote did not relate to a portion of the ticket, but to their status as voters in Hamilton, or words to that effect?—A. It was the substance of his advice in every case that I heard him.

22. Q. And did you know of considerable numbers who were favorable to his election turning away and not voting at all after consultation



with Judge Mason?—A. No; can't say I know of large numbers. I know of one or two who thought they would not vote.

23. Q. And did you understand at the time that there were others?—A. Yes; I received that impression; yet I have no very clear ideas of the matter.

24. Q. Did you know of Judge Mason at the time having with him Judge Wallace's exposition of the law, and of his calling the students' attention to the disqualifying features laid down in that exposition?—A. I think I saw him have a slip of paper and conversing with the students, and my understanding was it was Judge Wallace's opinion.

25. Q. Did you know of some of those who have been denominated students, and who voted on that occasion, having also voted in Hamilton for a number of years past?—A. Yes, sir.

26. Q. And a number of them, also, as you understand, have large families, who have resided with them in Hamilton for a number of years?—A. Don't know how large their families are; some have wives and some children.

27. Q. And did you know of an effort made after the election, and were not several of those students arrested for alleged violation of the election law in that they had voted in Hamilton at that election?—A. Several were arrested, examined before the United States commissioner, and discharged.

28. Q. Did you know also of the occasion when depositions were taken in the matter of this contest, at Hamilton, in February, when Dr. Dodge, Professor Andrews, and others deposed with reference to those students, &c.?—A. I knew of it.

29. Q. Had those students at that time been examined before the United States commissioner and discharged, as you understand, upon the merits of the case?—A. I can't now fix date. I think the decision had been made public before that time; at least, that is my impression.

30. Q. And did you know also of renewed efforts having been made last week before the United States grand jury in session at Utica, by Mr. Duffy or his friends, to obtain an indictment of those students upon the same charge?—A. I understood that several of the cases were brought before the grand jury in that way.

31. Q. And did you know of persons residing at Hamilton who attended before the grand jury for that purpose?—A. I knew of several going to Utica on that day, and it was my understanding it was for that purpose.

32. Q. You may give the names of those connected with that transaction as you understand them.—A. Mr. C. W. Stapleton, G. H. Beal, Dr. Dodge, Professor Maynard. I understood Mr. Welton also went.

33. Q. Did you learn the result of that effort?—A. No indictment found against the students.

34. Q. Did you understand that the case upon that occasion was thoroughly presented to the grand jury?—A. Yes, sir.

35. Q. Have you reason to believe, Mr. Van Slyck, that any one of those students voted otherwise than upon a conscientious belief that he at the time was a legal and proper voter at the village of Hamilton?—A. I have none. I believe they all thought they were legal voters here.

36. Q. And have you any doubt at this time of their eligibility as voters in Hamilton?—A. Not the slightest.

37. Q. Do you know of Sebastian Duffy having visited Hamilton recently with reference to those prosecutions?—A. He was here just before they were arrested the first time, and was here again last week.

38. Q. And did you understand that his recent visit had reference to this case and the prosecution of those students?—A. I don't think I had any understanding about it. I simply knew he was here.

39. Q. He resides at Pulaski, in the county of Oswego?—A. Yes, sir.

40. Q. Were you present about the time the polls closed on election day?—A. I was.

41. Q. Were you there when the voter Hollingsworth voted?—A. I was.

42. Q. Was he the last voter as you understand?—A. My understanding is he was.

43. Q. Was Judge Mason at the polls at that time?—A. I think not.

44. Q. How long since you had seen him there before this occurrence?—A. From one-half to one hour. Still, not a very distinct recollection.

45. Q. Did you understand at the time where Judge Mason was during that period?—A. I guess not.

46. Q. Did you not understand he had returned home to tea?—A. I guess I did not know at that time.

47. Q. Did you subsequently learn?—A. I subsequently learned he had gone to tea.

48. Q. Did you know of his having been invited to be present at the canvass that evening after the polls closed?—A. When he came he was invited to take a seat at the table, but don't know whether he had been invited before.

49. Q. When he returned to the polling-place had the polls closed?—A. They had.

50. Q. And what was the state of the canvass at that time?—A. The first box of ballots had been turned upon the table as he sat down.

51. Q. And were they comparing those votes with the poll-list?—A. I think they had commenced counting them.

52. Q. Where did Judge Mason sit when he took his seat at table?—A. He sat at the right of Mr. Welton, one of the board, and between Welton and myself.

53. Q. That was the identical place where these depositions are being taken?—A. Yes, sir.

54. Q. After Judge Mason sat down at the table or returned from his tea, as you understand, was there any allusion made to the voter, Hollingsworth?—A. I heard none.

55. Q. How far did you sit from Judge Mason while he was at the table?—A. Not exceeding 2 feet distance.

56. Q. Was there anything said there while speaking with reference to Hollingsworth's vote and by Judge Mason to the effect that that was a vote which Watts made quick, or Watts made that vote quick, or anything by expression similar to that having relation to Hollingsworth's vote?—A. I recollect no conversation with reference to Hollingsworth's vote while Judge Mason sat at the table, but when Hollingsworth voted there was a variety of remarks.

57. Q. And was your position at the table and close proximity to Judge Mason such that, in your judgment, you could not fail to have heard such a remark from Judge Mason, or remarks with reference to Hollingsworth's vote, had he indulged in them?—A. I was engaged a portion of the time in keeping tally as the vote was counted, and might not have heard every word that was said. My position was such that anything spoken in the ordinary tone of voice used upon that occasion I should have heard and understood.

58. Q. Could the remark attributed to Judge Mason by Thomas H.

Beal if spoken in the natural tone of voice have escaped your attention, in your judgment?—A. Not if the person speaking it sat at my end of the table.

59. Q. And Judge Mason did occupy a seat at your end of the table?—A. Yes; next to me.

60. Q. From your position and capabilities for hearing, do you believe, Mr. Van Slyck, that Judge Mason used the words on that occasion attributed to him by witness Beal?—A. No, sir; I don't believe he did, and for another reason also: I never heard him call Mr. Cushman Watts in my life. Always speaks of him or addresses him as Mr. Cushman.

61. Q. Did you ever know Judge Mason to indulge in nicknames or use abbreviated terms while speaking of any gentleman?—A. I don't recollect of any instance.

62. Q. Now, on election day, did you see or know, or have reason to believe that Judge Mason, either in person or through his friends, was corrupting the election in his interest by the use of money or the employment of other corrupt means?—A. I know nothing of it, and saw no signs of it.

63. Q. Had you knowledge, from rumor or otherwise at that time, to the effect that Judge Mason had sent, carried, or taken money to the county of Oswego, there to be used in his interest for corrupt and illegal purposes?—A. I had no knowledge of it, and had never heard of such a thing.

64. Q. Did you, prior to the election or on election day, know of rumors afloat or of charges being made by any one to the effect that Judge Mason or his friends were resorting to improper means to influence the result of the election?—A. Don't think I had heard any such rumors. I think I had heard an assertion made that he would do it.

65. Q. And did those charges or prophecies as to what Judge Mason would do solely arise among his opponents, so far as you know?—A. They did.

66. Q. And to what did you attribute them; anything more than to usual political gossip and speculation?—A. No, sir; unless they were paving a way to let themselves down easy, expecting to be defeated, and fixing some ground to lay it to.

67. Q. There had been early in the campaign fabulous predictions by Rowland, Dart, and other Greenback leaders with reference to the Greenback strength to be developed in Hamilton at that election, had there not?—A. There had; not only in Hamilton, but in surrounding towns.

Adjourned until 1.30 p. m.

Examination of Edward D. Van Slyck resumed at 1.30 p. m.

68. Q. What predictions were made by Rowland, Dart, and other Greenback parties prior to election as to the number of votes that party would poll in the election district in which Hamilton is located on election day?—A. I heard it claimed they would poll as many votes as either the Democratic or Republican party would do; I speak of others, not of Dart or Rowland.

69. Q. And were those predictions indulged in some time before the election?—A. Yes, sir.

70. Q. You did not learn, however, that they were credited by the Democratic or Republican party?—A. They were not as a general thing.

71. Q. Was there not an apparent falling away of the Greenback sentiment shortly before election?—A. I thought there was at that time; I thought the Greenback vote would not come up to what they had promised four weeks before.

72. Q. To what do you attribute more particularly the falling off of the Greenback vote in Hamilton about that time?—A. To Duffy's speech in Hamilton.

73. Q. I take it from what you have said that Mr. Duffy in his speech somewhat depressed his own stock in Hamilton?—A. That is my opinion.

74. Q. Did you learn that Counsellor White shortly after that speech was somewhat shaken in his advocacy or support of Mr. Duffy?—A. I think I had a conversation with Counsellor White upon the subject.

75. Q. And did not Counsellor White seem to sympathize with the sentiment that that speech was an unfortunate one for Mr. Duffy in Hamilton?—A. Counsellor thought it a very good speech for the place, but that it was not as strong as it might have been made.

76. Q. Do you mean to be understood that Counsellor White was strengthened in his support of Mr. Duffy or otherwise by that speech?—A. The impression I received, as conveyed by Counsellor, was that he did not think much of the doctrine, but he had got to go it, as there was nothing else to do.

77. Q. And by that you mean that while he had no particular fondness for crow, yet in time of famine he would not discard even that?—A. That was the impression conveyed, in a political sense.

78. Q. And what were the expressions generally made in your presence with reference to the effect of Mr. Duffy's speech at Hamilton?—A. I heard several Republicans say they would join with me in paying the expense for Duffy to return and make another speech.

79. Q. And what effect did you observe, if any, with reference to the hard-money Democrats of Hamilton?—A. I very soon heard vigorous epithets applied to Mr. Duffy's theories by these Democrats; especially the men in favor of national banks.

80. Q. And did you observe the action of those men at the polls on election day?—A. All, or nearly all, voted against Mr. Duffy.

81. Q. You may name some of them as you now recall them?—A. D. B. West, Wm. Fairchilds, E. B. Mott, Mr. Barber, Hugh Leonard; I thought at one time there were at least twenty of them, but cannot recall others.

82. Q. And have you heard Counsellor White place the number of Democrats in this district who voted for Judge Mason as being upwards of eighty?—A. I have.

83. Q. Were these bank men of whom you have spoken men prominent in the Democratic councils in Hamilton?—A. They have been.

84. Q. Are they men who have considerable political influence in that party, and who were likely to muster a considerable following?—A. They are.

85. Q. Do you know how many years it has been customary for the students to vote, more or less, in Hamilton?—A. I do not; ever since I have been in Hamilton; sixteen years.

86. Q. What has been customary with reference to the two parties, Democratic and Republican, getting out that vote?—A. It has been customary to appoint committees to see the students, and get teams to get them out, on the part of the Republicans, but the Democrats could bring theirs in a buggy.

87. Q. You think that a velocipede would not have supplied the Democratic wants?

(Objected to. The contestee having no defense against the charge of bribery, to take time and encumber the record, and make a farce of this proceeding.)

88. Q. To be serious, I understand you to say that the Democrats, as well as the Republicans, have, for many years past, made it a point to look after this vote, and to bring it to the polls in Hamilton?—A. They have.

89. Q. How early after the election did you learn that rumors had been set afloat that money had been used to advance the interest of Judge Mason?—A. About two weeks, before I heard much about it.

90. Q. And did you not know that said rumors were emphatically denied, both by Judge Mason and his friends, at the time?—A. They were.

91. Q. To what do you attribute the existence of those rumors?—A. Nothing but an excuse for a contest.

92. Q. On the part of whom?—A. On the part of Mr. Duffy; he being instigated to it by his friends.

93. Q. Do you believe that those rumors are in any way founded in fact?—A. Not in the least. Don't believe that Judge Mason himself, or by his friends, spent one dollar illegally to secure his election.

94. Q. Have you not, since this contest commenced, been told by the partisans of Mr. Duffy, and do you not believe it to be a fact, that the complexion of the present House of Representatives has had much to do with this contest?—A. I have.

95. Q. You may state, in substance, what you have heard Mr. Duffy's supporters say on that subject.—A. One said all that would be necessary for this House to set it all right would be to raise a hue and cry over corruption, and it would be very soon settled.

96. Q. Who was that individual?—A. I think it was Counselor White.

97. Q. You mean the gentleman who appears here as counsel for Mr. Duffy?—A. I think it was he.

98. Q. Have you heard other partisans of Mr. Duffy, in Hamilton, indulge in similar expressions?—A. I have heard similar remarks, but not a great many.

99. Q. Have you also heard it said by Mr. Duffy's friends, in this contest, that they intend to put in important and affirmative proofs on the part of Mr. Duffy after contestee shall have rested?—A. No, I don't think I ever heard anything of the kind. I have been sick and confined to my house and office since the taking of evidence here before.

#### Cross-examination:

100. Q. Please name five leading Republicans who resided in the village of Hamilton at the last election?—A. Mr. Tripp, Mr. Wellington, Mr. Welton, Mr. B. F. Bonney, Mr. H. P. Case.

101. Q. Was Mr. Mason a representative Republican?—A. Yes; he was one.

102. Q. Was Mr. A. N. Sheldon?—A. Yes, sir.

103. Q. Have you been on terms of intimacy with Mr. Wellington for some years?—A. No great intimacy.

104. Q. Have you been on intimate terms with Mr. Tripp, Welton, and Case?—A. Yes, sir; some years, politically.

105. Q. Before and since election have you been on intimate terms, politically and otherwise, with Mr. Sheldon?—A. Can hardly say that I have for the last four or five months.

106. Q. Have you talked with him in the last four or five months upon politics?—A. Only once; a little.

107. Q. At what period of the canvass was it that Mr. Mason made you a present of \$50?—A. At no time.

108. Q. Have you not told either of the gentlemen I have mentioned that?—A. Not that exactly.

109. Q. You say not that exactly. What have you told either of them upon that subject?—A. Don't know as I can state the exact words.

110. Q. Then state the substance of what you then said.—A. Don't know that I can do it now. I had a conversation with one of those gentlemen you have named, but don't know as I can state even the substance.

111. Q. State who that gentleman was.—A. Mr. Sheldon, A. N., of this village.

112. Q. Was the subject of money mentioned?—A. It may have been. I think it was.

113. Q. Was Judge Mason's name mentioned in connection therewith?—A. I presume so.

114. Q. Anybody can presume so. Please state the fact, if you can.—A. I don't recollect in regard to it.

115. Q. Don't recollect in regard to what?—A. Whether his name was mentioned or not.

116. Q. Did you not state to him in words or substance that after Mason's nomination Mr. Mason made you a present of \$50, and said that he had given or was going to give \$50 to each of the Republican papers of this district?

(Objected to as immaterial.)

A. I did not make any such statements.

117. Q. Did you say anything upon the subject?—A. I did.

118. Q. State what you did say.—A. I have already stated I could not tell even the substance.

119. Q. If you cannot state the substance even, how do you know you said anything upon the subject?—A. Because I remember of talking upon the subject.

120. Q. You say you remember talking upon the subject. Now, I inquire what subject?—A. Subject of money being presented to me.

121. Q. Presented to you by whom?

(Objected to as immaterial.)

A. As I said before, I don't know as any name was used.

122. Q. You say you don't know as any name was used. What is your best recollection as to whose name was used?

(Objected to as immaterial.)

A. I have no recollection of any name being used.

123. Q. You say your talk with Mr. Sheldon was upon the subject of moneys being presented. How much money did you say had been presented to you?

(Objected to as immaterial.)

A. I don't recollect the conversation well enough to say anything about it.

124. Q. Who did present the money to you to whom you have referred in your evidence?—A. No answer to make.

125. Q. Do you decline to answer?—A. Yes, sir.

126. Q. Shall the witness answer?

(Objected to as immaterial. Objection overruled.)

A. Same as before.

127. Q. Did you not tell A. N. Sheldon in words or in substance that Joseph Mason had presented you with \$50?

(Objected to as having already been answered and immaterial.)

A. So little recollection I cannot state.

128. Q. Is your memory good?—A. Usually very good.

129. Q. When did that conversation occur?—A. At the end of October or in October.

130. Q. Was it after Mr. Mason's nomination?—A. I should presume it was.

131. Q. Did Mr. Mason let you have \$50 previous to the last election?—A. No, sir.

132. Q. Did any of his political friends let you have \$50?—A. No, sir.

133. Q. Did any one let you have \$50, after Mr. Mason's nomination, and before the election?

(Objected to. Immaterial, and must be confined to the issues in this contest. Notaries differ.)

A. No, sir. No one.

134. Q. Was the present you have spoken of by money or check?—A. I have not spoken of any present.

135. Q. Did you receive any present from any one after Mr. Mason's nomination?

The testimony of this witness suspended until to morrow at 9 a. m.

WEDNESDAY, *March 26, 1879.*

Deposition of E. D. VAN SLYCK resumed.

Cross-examination by S. D. WHITE continued:

136. Q. (Paper shown witness, of date October 22, 1874, Democratic Republican, edited by witness.) Did you, as editor of that paper, write that article shown you, headed the Congressional matter?

(Objected to as immaterial as to what took place in 1874. Objection sustained; Scranton dissenting.)

A. I did.

137. Q. When you wrote it did you believe it to be true?

(Same objection. Same ruling.)

A. I did.

138. Q. Do you still believe it to be true?

(Same objection. Same ruling.)

A. I do. It is true of things as they then existed.

(Another article shown witness in same paper, entitled: To the electors of the 24th Congressional district, October 22, 1874.)

139. Q. Did you write that?

(Same objection and ruling.)

A. No, sir.

140. Q. Who did?

(Objected to as before. Same ruling.)

A. I don't know.

141. Q. Who do you believe wrote it?

(Objected to as before. Same ruling.)

A. I have no belief about it. I have no information from which to form a belief.

142. Q. Was it an auonymous communication?

(Same objection. Same ruling.)

A. No, sir.

143. Q. Whose name was signed to it?

(Objected to as before. Same ruling.)

A. Not any.

144. Q. You seem disposed to evade every question put you by an evasive answer, in the interest of Judge Mason and of corruption in

the Republican party. Now please explain, if you will, by saying it was not anonymous, and at the same time saying there was not any name signed to it.

(Objected to as before. Same ruling.)

A. I have evaded no answer put to me this morning, but have given full and truthful answers to every one.

145. Q. My question was: Explain what you meant by saying it was not anonymous, and then saying that there was no name attached to it.

(Objected to as before, and as trifling with the rights of contestee, by consuming time upon frivolous matters in no way relating to this case. Same ruling.)

A. I can't make it any more plain than that. It was not anonymous; nor was there any name signed to it.

146. Q. Was there any letter accompanying it?

(Objected to as before. Same ruling.)

A. No.

147. Q. Did you recognize the handwriting?

(Objected to as before. Same ruling.)

A. No.

148. Q. Was it written in your presence?

(Same objections. Same rulings.)

A. No.

149. Q. Did you dictate it and somebody else write it?

(Same objection. Same ruling.)

A. No.

150. Q. Have you no idea or belief who wrote it?

(Same objections. Same ruling.)

A. No.

151. Q. Did you see it before it was set up in your paper?

(Objected to as before. Same ruling.)

A. Yes, sir.

152. Q. Was it put in your paper with your approval?

(Same objection. Same ruling.)

A. Yes, sir.

153. Q. Did you then believe it to be true?

(Same objection. Same ruling.)

A. I supposed the article was true at the time.

154. Q. (Article of October 29, 1874, issue, entitled "Destroying of the party," shown witness.) Did you write that article?

(Same objection. Same ruling.)

A. Yes, sir.

155. Q. Did you, when you wrote it, believe it to be true?

(Same objection. Same rulings.)

A. Yes, sir.

156. Q. Do you still believe it to be true?

(Same objection. Same ruling.)

A. Still believe it to be true of matters as they then stood.

157. Q. Is the J. Mason therein referred to the contestee?

(Same objection. Same ruling.)

A. Yes, sir.

158. Q. (Another article in same issue of October 29 shown witness, with no heading, but commencing "One lunny individual.") Did you write that article?

(Same objection. Same ruling.)

A. Yes, sir.

159. Q. Did you then believe it to be true?



(Same objection. Same ruling.)

A. Yes, sir.

The four articles are severally offered in evidence ?

Objected to for all the reasons above, and contestee denies the right of contestant to call Notary Scranton as an associate for the purpose of enforcing an unfounded claim or asserted right by dissenting continuously from the decision and ruling of Notary Underhill, and by such means not only to spread upon the record voluminous editorials and other articles published in 1874, wholly disconnected with the matter of this contest, but thereby and by means thereof to absorb time which rightfully belongs to contestee, with a view, as contestee claims, of defeating the very ends and aims contemplated under the statutes and forms of law provided in such case; and contestee further says that he denies the right of Notary Scranton to control and defeat the object of this investigation by such a rule, and characterizes the same as unwarranted and as an attempt, growing out of a combination and apparent previous understanding between the said notary and contestant, at whose instance Notary Scranton is called, to hinder, delay, and prevent, so far as possible, a fair, candid, and proper presentation of the depositions on the part of contestee. And contestee refers to the constant and uniform ruling and decisions of Notary Scranton upon the most trivial and immaterial matters heretofore spread upon the record, and to the open and oft-repeated declarations of Counselor White as evidence of that fact.

And contestee insists as a matter of right that he be permitted to proceed with the taking of depositions upon matters relevant to the case at issue.

The contestant now states that from the beginning of this contest to this moment he has made no objections to evidence offered by contestee, but on the other hand the numerous counsel for contestee, each and all, have continuously sought to delay these proceedings by lengthy objections and statements, with the view of taking up the time of the court to the end that contestant may not introduce all the evidence of bribery which is in his possession. And contestant denies the right of contestee to select as notary Mr. Underhill, who is a Republican and a strong partisan, in the interest of Mr. Mason, and he denies his right to make uniform rulings in favor of contestee with a view of excluding evidence which is material to the contestant; that no evidence should be excluded but should all be taken, and that it is for the present Congress to decide what is and is not competent, and to receive or reject accordingly. That the apparent object of contestee seems to be to so encumber the record and make it so voluminous that Congress will not read it, and that in consequence thereof Mr. Mason will wrongfully retain his seat, which by every law of right belongs to Mr. Duffy.

Contestee's counsel replies by disclaiming any intention of encumbering the record with immaterial matter, but lays that charge directly at the feet of contestant and points to the record as the best evidence as to who in this case deals in immaterial matter. That what contestee's counsel desires more particularly understood is the absurd rule contended for by Counselor White and sustained by the rulings of Notary Scranton, to the effect that whatever is offered in this case must be taken, and no matter how foreign the matter may be to the issues joined as between contestant and contestee. And further, that the voice and rulings of contestee's notary, Mr. Underhill, before whom these proceedings are instituted, are without force or effect when said notary has sustained an objection, however meritorious, providing Notary Scranton, who acts solely in the interest of contestant under the direction of

Counselor White, shall assume, as he invariably does, to dissent from the rulings fairly and properly made by Notary Underhill. And contestee's counsel, with much candor, regrets that he is obliged to charge from the unprecedented facts before him a deliberate purpose and a conceived plan and unwarrantable combination between Notary Scranton and Counselor White to defeat the fair intent of the purpose and statute in such case made and provided. And further, contestee's counsel insists that by the plain provisions of such statute it is the duty of the notaries to rule in such a manner as to confine the depositions to the issues joined between the contesting parties and set forth in the specifications of contestant and within the answer of contestee; and protests against Notary Scranton assuming solely to control and govern the taking of contestee's depositions by his absurd and unwarrantable rulings under the plea that he has dissented upon each and every ruling.

The contestant in rejoinder to the statement of contestee now reiterates the fact that he makes no objection whatever to evidence offered by contestee, but on the contrary, the moment that contestant seeks to prove, by either direct or circumstantial evidence, no matter how direct or conclusive the same may be, he is met by the contestee with frivolous and unlawyerlike objections with the view and intent of prolonging these proceedings, well knowing that the contestant desires at once to commence giving affirmative evidence before other notaries, but that he cannot do it while these notaries are taking testimony, for the reason that he has but one counsel. And he therefore denies the right of the contestee to thus delay him and encumber the record with frivolous objections. And he denies the right and protests against the exercise of the power assumed by the Notary Underhill in uniformly and in a manner unprecedented in the history of judicial tribunals to rule in favor of contestee, where such ruling uniformly excludes the truth and suppresses the evidence of bribery, which is the principal issue in this case.

Contestee's counsel desires to call special attention to the recorded declaration of Counselor White that contestant intends, at such time as contestee shall rest his case, to enter again upon the giving of affirmative evidence on the part of contestant, and to the fact that such avowed determination, if carried out, will further be in direct violation of the provisions of the statute under which these depositions are being taken; that, notwithstanding that violation and the plain provisions of the statute, contestee, from what he has been able to learn upon the streets, and from conversation with those best informed, both in the city of Oswego and in the village of Hamilton, verily believes, and therefore avers, that contestant, by deliberate and premeditated design to prevent contestee from answering, contradicting, disproving, or impeaching certain proposed affirmative proofs in both of said counties of Madison and Oswego, has undertaken to withhold such evidence under the plea of rebuttal, and then, at the closing hours of this investigation, and in violation of the statute and of the practice in such cases, to encumber the record, through partial ruling, with such so-called affirmative proofs, designing thereby to prevent the real facts relative to those absurdities from being recorded and incorporated within the depositions on the part of contestee.

The contestant now states that, while he intends to give much affirmative evidence in support of the charge of bribery and corruption, he has no such intent as is stated in contestee's statement, but that, when he shall offer such affirmative evidence, he will stipulate with contestee that contestee, regardless of the ninety days' limitation, may have all

the time he desires to reply thereto. He does this believing that the more witnesses the contestee calls, the more proof there will be of the charge of bribery, for that has been the result thus far.

Objection sustained to the receipt of the four articles, Scranton dissenting.

Counsel for contestee now insists that, the objections having been sustained, the four articles offered cannot go upon the record as evidence in this case.

Same ruling.)

Cross-examination of E. D. VAN SLYCK resumed at 1.30 o'clock p. m., Wednesday, March 26, 1879.

The notaries decide that, under the practice adopted thus far that in case of disagreement of notaries in ruling on any objection the evidence objected to is to be received and transmitted to the Clerk of the House of Representatives for the action of the House thereon, the four editorials in question are to be transmitted with this record. Contestee excepts to the ruling.

(Editorial of August 29, 1878, in Democratic Republican shown witness.)

161. Q. Did you write that article?

(Objected to as immaterial, only presented for the purpose of consuming contestee's time, and is not a part of the cross-examination. Same ruling as to previous questions.)

A. I did.

162. Q. Did you believe it to be true, or did you write something you did not believe to be true?

(Objected as before. Same ruling.)

A. All statements made in that article as facts I believed to be true. The arguments there used were my own convictions of the best party policy.

(Article offered in evidence.

Objected to upon all grounds as heretofore, does not bear upon the issue, and is incompetent. Same ruling.)

163. Q. Did you write other articles before Mason's nomination opposing him?

(Objected to upon the same grounds as above stated, and, further, the articles themselves would be the best evidence and should be produced. Same ruling.)

A. I don't recollect of any.

164. Q. Did you write any articles upon the subject?

(Same objection; same ruling.)

A. I don't remember of any other articles upon the subject, except one early in the fall.

165. Q. Did that article which you say you may have written early in the season have reference to Judge Mason?—A. No.

166. Q. How early did you understand him to be a candidate?

(Objected to as immaterial. Same ruling.)

A. About two weeks after the publication of my article of August 29, 1879 [1878].

167. Q. How did you become informed of it?—A. He told me so himself.

168. Q. Was it not rumored for a long time before that that he was to be a candidate?

(Objected to as immaterial. Same ruling.)

A. There were rumors both ways; that he was and that he was not.

169. Q. As you wrote the article of August 29, 1878, were you then opposed to his nomination?—A. I thought it would be bad party policy, therefore I opposed it, and that was the only reason.

170. Q. Then I assume you had changed your mind in relation to his character from 1874 to 1878, had you?—A. A man's political practices may change, while his general character would not be affected thereby. I had not changed my opinion as to his general character.

171. Q. In answer to the last question, did you mean to say his political practices had changed in that period?

(Objected to as immaterial and incompetent; that there is no issue made as to the character of Mr. Duffy, or as to the character of Mr. Mason, let that character be political or private, and neither has been sworn in the case. Same ruling.)

A. I think they had, somewhat.

172. Q. For the better or for worse?

(Objected to as before, and also that contestant is trifling with contestee's time. Same ruling.)

A. For the better, I should say.

173. Q. If it be possible to state wherein for the better, please do so.

(Objected to as before. Same ruling.)

A. I don't think it would be possible for me to state it within reasonable bounds.

174. Q. Then state it within unreasonable bounds, being as concise as you can.

(Objected to as before. Same ruling.)

A. In the fall campaign of 1873, there were a certain few persons in this county, of which Joseph Mason was one, were extensively known as the Morrisville ring. It was supposed by a great many men that those few men dictated to the Republican party of the county all the nominees for officers, and the general management of the party. The result of that fall's election had the effect to demoralize that ring, if not to break it up. At that time Mr. Mason's political practices were such as to convince people that he took part in the deliberations of that ring and thereby in the party management. He did not appear to give that deference to the wishes of the rank and file of the party as I and many others thought he should. Immediately after the demoralization of this ring that I spoke of his practices greatly changed in that particular.

175. Q. When do you mean to say that this ring became demoralized?

(Objected to as immaterial. Same ruling.)

A. After the fall campaign of 1873, and still more in 1874.

176. Q. Then I understand you to say that his character had not become good until after the campaign of 1874?—A. I spoke of no change of character. I spoke of political practices.

177. Q. Then is it true that his political practices had not so far changed up to the fall of 1874 that you would not say that they had become what you desired them to be?

(Same objection. Same ruling.)

A. I spoke of all these things as I understood them. I must say that my intimacy with Judge Mason about that time was so slight that it may have taken me longer to have learned of this change than it would had I been more intimate. That I learned of it, in most cases, through third parties, and therefore I could set no particular date for the change which I have to my own satisfaction discovered.

178. Q. Then am I right in supposing that the change was so slow and undemonstrative that you did not observe it at once?

(Same objection; frivolous and immaterial, only designed to consume some time. Same ruling.)

A. You may be right in supposing that, but you had better suppose that I was slow in finding it out.

179. Q. Had you discovered any evidences of a change of political practices when you wrote those articles in 1874?

(Objected to, that the witness has not claimed that he has ever known of anything derogatory of contestee, and has only spoken of what he has known of his political practices. Therefore, the question assumes something not proven, and is incompetent and immaterial. Same ruling.)

A. Yes.

180. Q. For the better or worse?

(Objected to as immaterial, as incompetent; and the witness's opinion as to whether the change was for better or worse is not evidence; the witness must state facts. Same ruling.)

A. His political practices were more satisfactory to me.

181. Q. Up to the time you wrote the articles in the fall of 1874 had you ever written any articles in which you so severely attacked him as then? If so, state when and where they are.

(Objected to as irrelevant and as immaterial. Same rulings.)

A. My recollection of the articles of 1874 put in evidence contain no particular attack upon Judge Mason. A severe attack upon what was known as the "ring" was made in fall of 1873.

182. Q. Is that article to which you refer in evidence?—A. It is not.

183. Q. Do you know of the date?—A. Don't remember the date.

184. Q. Were there several articles in your paper in the fall of 1873 which you regard as more severe upon the ring, of which you have spoken, than those written in 1874, which are in evidence?

(Objected to as immaterial. The articles themselves are the best evidence; and the witness's opinion as to the severity is incompetent, and the evidence does not relate to issue. Same ruling.)

A. I have never published any articles to my recollection making a special attack upon Judge Mason. There were several articles published in the fall of 1873 making an attack upon the ring for a portion of the nominations made that fall, which they were supposed to have dictated.

185. Q. Who do you mean by the word "they" in last sentence?

(Objected to; the witness giving his supposition as to any political ring or as to who constituted it, as incompetent and irrelevant, and the witness should speak only of things within his own knowledge. Same ruling.)

A. The ring spoken of.

186. Q. Right here, please name, so far as you can, the names of those persons who composed that ring in the fall of 1873?

(Objected to upon same ground, and that it is too remote from the time of last canvass, and witness says that ring ceased in 1874. Same ruling.)

A. I think it would be unjust to the gentlemen to bring their names in here, therefore decline to do it.

187. Q. I understood you to say that you supposed Mr. Mason to be one?—A. I stated in one answer, in speaking of the ring, I supposed Judge Mason to have been one.

188. Q. You say you think it would be unjust to the members of that ring to name them; do you think thus because you think it would be derogatory to their character?

(Objected to; the character of the gentlemen in question cannot be impaired or impeached in the manner proposed by the question, as incompetent and immaterial. Objection sustained.)

189. Q. Now, Mr. Van Slyck, I understand you to say that this ring became demoralized in 1873 and 1874; I wish to know in what manner it became demoralized and through what effort?

(Objected to as immaterial. Last question waived.)

190. Q. Did Judge Mason's political practices change more on account of his own volition or on account of the attacks made upon the ring by yourself and others in the fall of 1873 and 1874 and the results of those campaigns?

(Objected to upon the ground that the witness cannot know the mind of Judge Mason or what motive led to the change in his political practices, if any; the witness can only speak of the facts, and the motive is to be gathered by the House of Representatives, and that it is irrelevant. Objection sustained. Scranton dissents.)

A. I don't know; he never told me.

191. Q. Thanking you, I now ask you your opinion upon the question? (Same objection; same ruling.)

A. My honest opinion is guess-work; I guess he thought it was the best policy.

192. Q. If you thought it was the result of policy why then do you say that you thought his political practices or character in that respect had improved?—A. It makes no difference as to the practices, what the motives are. Practices are facts which show for themselves; motives we can discern only through positive information or what we read from general character. I saw the practices and formed my judgment therefrom.

193. Q. And cared nothing for the motive; is that what you say?—A. I never said it.

Redirect examination by J. J. LAMOREE:

194. Q. You may state if there was any \$50 transaction or any other transaction regarding money and its relation to last fall's campaign between you and Judge Mason.—A. There never has been any \$50 transaction between us that I remember of in relation to this campaign or any other; and on the day of our last town caucus last fall before the election, Mr. Mason loaned me \$17; he afterwards loaned me \$100; for all of which I have settled with him and paid him the last the day before he went to Washington.

195. Q. With reference to the supposed ring in the county of Madison do you claim that those whom you have mentioned are not each and all of them credible men and men of character in your county?—A. Yes, sir; they are all credible men; some do not reside in the county now.

196. Q. Do you know D. W. Cameron, of Cazenovia?—A. Yes.

197. Q. Do you know of his having held a Federal office some years since?—A. Yes; collector of internal revenue.

198. Q. Did you know Mr. Robert Stewart, a competitor for Congress against William E. Lansing?—A. Yes.

199. Q. And that was about how long since?—A. In the fall of 1870.

200. Q. Mr. Stewart and Mr. Lansing were both prominent citizens in your county at that time, were they not?—A. Yes, sir.

201. Q. And Mr. Stewart was a man of great wealth?—A. Reported to be.

202. Q. And Mr. Lansing was one of the foremost lawyers of the county and had already served this Congressional district in the House of Representatives?—A. Yes, sir.

203. Q. And when two candidates so prominent and widely known as was Messrs. Lansing and Stewart could you expect anything else than a division in the Republican ranks by the respective friends of those gentlemen?—A. Division would be the most natural consequence.

204. Q. And such was the fruitage of that contest, was it not; and was not that contest warm, active, and earnest between the rival candidates and their friends?—A. That was the fruitage of that contest to a certain degree, and the contest was very warm in some localities.

205. Q. And was it not especially so in Madison County, where they both resided?—A. Yes; especially in two-thirds of the towns of the county.

206. Q. And one candidate came out of the contest at the primaries having equal strength with the other candidate, did he not, each securing five delegates from Madison County in the nominating convention? Mr. Cameron, as you understood, was collector of internal revenue at that time and an active supporter of Mr. Stewart, and was not you also in sympathy with the Stewart faction?—A. I had supported neither the claims of one or the other until Mr. Lansing by his personal abuse drove me from him.

207. Q. Then up to the fall of 1870 your relations with Mr. Lansing and his supporters had been friendly?—A. Friendly and pleasant.

208. Q. Since that time they have not?—A. Since then I have made it as warm for him as I could.

209. Q. Judge Mason was one of the partisans of Mr. Lansing?—A. He was.

210. Q. And equally so was Judge Kennedy, was he not?—A. He was.

211. Q. And was not each and all of those whom you now understand are denominated ring members the supporters of Mr. Lansing in that contest?—A. I am not certain that all were, but think all or nearly all were.

212. Q. Mr. Lansing was successful while Mr. Stewart failed of the nomination, did he not?—A. Yes, sir.

213. Q. Mr. Stewart soon afterward died, did he not?—A. Yes, sir.

214. Q. Mr. Cameron was turned out of office and Judge Mason became his successor, did he not?—A. Yes, sir.

215. Q. And since then the Lansing faction, so-called, have held supremacy in the politics in Madison County, to a large extent?—A. They did for a time.

216. Q. And up to about what time?—A. About 1874.

217. Q. And you through the columns of your paper continued your opposition, as I understand you, to the dominant faction?—A. In some things. When they done a thing I thought was good for the party I joined them in it.

218. Q. The members of the Lansing faction, I suppose, maintained their supremacy by united action, as a general thing?—A. Yes, sir.

219. Q. Our amiable friend, Counselor White, took sides in that contest, and was a Republican at that time?—A. Yes.

220. Q. And to which side do you understand he gave in his adhesion and support?—A. My recollection is he was in favor of Stewart, not positive.

221. Q. And two years later Counselor White left the Republican fold taking his adieu as a Liberal?—A. He went West with Greeley.

222. Q. Did you regard it as at all unusual that the faction known as the Stewart men, should inveigh against Mr. Lansing's supporters after that gentleman had been successful, and attribute their own defeat to

some cause or influence brought to bear to accomplish that result ?—A. It's very natural that they should.

223. Q. And have they not been dubbed the Lansing Ring by the Stewart men ?—A. Yes; or Lansing has been called the chief of the ring.

224. Q. But he has more recently removed from the Congressional district, and now lives in Syracuse, has he not ?—A. Yes.

225. Q. And how long since he removed ?—A. Four years. Spring of 1875.

226. Q. And since his removal has that ring distinction, so called, been maintained further than in the mind of our friend White, as a historical fact growing out of that contest ?—A. By no means so fully as before.

227. Q. The articles which you published and which have been placed in evidence by contestant savored somewhat of the view which you then took of the opposing faction who had been successful, did they not ?—A. Slightly; very slightly.

Recross examination:

228. Q. You have spoken of the Madison County Ring, and testified that you supposed Mason to be one of its members, and declined to give the names of the other members of it, because it would be unjust or derogative to them. Now, state if in one article in your paper referring to this ring you did not liken it to the Tweed Ring of the city of New York ?

(Objected to; as the article is the best evidence, and the whole thing is immaterial and incompetent. Objection sustained; Scranton dissents.)

A. I can't recollect.

229. Q. Are you willing to let me examine the files of your papers with a view of letting me look up those articles ?—A. Yes.

230. Q. At the time of Mr. Mason's nomination was there a coldness existing between him and you ?

(Objected to as immaterial. Same ruling.)

A. Not that I know of.

231. Q. Soon after his nomination did A. N. Sheldon and Mr. Mason come to see you about his nomination ?—A. No, sir.

232. Q. Did you have an interview anywhere upon that subject at any time, you three men ?

(Objected to as immaterial. Same ruling.)

A. Not at that time.

233. Q. Did you at any time. If so, state when and where.

(Same objection. Same ruling.)

A. I had an interview with them at my office about the 10th of September.

234. Q. Was it after the article which was last put in evidence was published ?—A. Yes; some ten days after.

235. Q. Did they come there together ?—A. They did.

236. Q. State the substance of the talk with them ?—A. Can't do it.

237. Q. Did they come there to talk with you upon the question. Would you support Mason if nominated ?—A. Don't know what they came for. My best recollection is that the talk was as to the policy of his nomination.

238. Q. Did you advise against the policy of the nomination ?—A. Can't tell; don't recollect.

239. Q. Did you not say: "Mr. Mason, I think it's unwise for you to get the nomination"; and did you not add that you knew of forty Republicans in this corporation who would not vote for him, or that in substance.



(Objected to as immaterial and incompetent. Witness neither claims to be a prophet nor a son of a prophet. Objection sustained. Scranton dissents.)

A. I think I did say I knew of thirty Republicans who had said they would not vote for him; did not know what they would do before they came to the polls.

240. Q. Did you think it wise at that time to nominate him ?

(Objected to as immaterial; that witness's opinion as to what nomination was best not competent. Objection sustained.)

Redirect examination by J. J. LAMOREE :

241. Q. Did you know or hear of thirty Republicans in the town of Hamilton who expressed a determination not to support Judge Mason at any time after Mr. Mason was nominated ?—A. Don't know as I heard one express themselves so after that.

242. Q. Had you any doubts whatever with reference to Judge Mason having the united support of the Republicans as well as having a large support of the Democrats at any time after Sebastian Duffy made his Greenback speech in this hall.

(Objected to as immaterial. Objection sustained.)

243. Q. Question modified by striking out all reference to Democratic support, and as so modified is received and objection overruled.

(Same objection.)

A. Not any after Duffy's speech.

Recross-examination :

244. Q. How much majority did Mason get more than the general ticket ?—A. I can't tell.

245. Q. How many Republican tickets were voted blank ?—A. I don't recollect.

246. Q. How many Republican tickets were there with Mason's name struck off and Duffy's put on ?—A. Can't tell.

247. Q. Have you heard one of Mr. Mason's counsel say since your examination began that there were over sixty Democrats who voted for Mason ?—A. Yes, sir.

248. Q. Will you swear that is not true ?—A. No, sir.

249. Q. Will you say that there did not as many as eighty Democrats in this election-district vote for Mr. Mason ?—A. No.

250. Q. Then, sir, if you cannot swear to any of the facts stated in any of the four questions previously, why do you say the Republicans were solid for Mason ?—A. Former question referred to what I heard Republicans say, and not as to what took place on election day. The former questions arose over what I had heard Republicans say or had heard they had said, if nominated, and those former questions were answered in relation to that point.

251. Q. Now that Mr. Lamoree and Smith have enabled you to answer the question satisfactory to them, if not yourself, state if you did not say in answer to Mr. Lamoree's question, that after Mr. Duffy's speech the Republican vote was solid ?—A. Pretty near the language I used.

252. Q. If you can see any inconsistency in any of your last answers or in any evidence you have given on this examination, please explain all such inconsistencies, if such explanation will in the least aid or assist Mr. Mason.—A. I don't think of anything now that needs any explanation.

E. D. VAN SLYCK.

Subscribed and sworn to March 26, 1879.

IRA W. UNDERHILL,  
*Notary Public, Hamilton, Madison County, N. Y.*

*Deposition of Alonzo E. Cherry.*

ALONZO E. CHERRY, a witness produced and sworn, testifies as follows:

1. Question. Do you reside at Oneida?—Answer. I do.
2. Q. And were you chairman of the Greenback county committee of the county of Madison during the campaign of 1878?—A. I was.
3. Q. And was there money placed in your hands at any time during that campaign to be used for political purposes?—A. There was.
4. Q. You may state by whom and to what amounts.—A. I received of Mr. Duffy \$200 as an assessment by our county committee; I received directly from Mr. Richardson \$90, the Greenback candidate for sheriff, as an assessment; he paid in all \$100, but I only received \$90; \$25 from Mr. More, candidate for assembly; I think I received \$25 from one other candidate, the candidate for county treasurer; \$15 from the candidate for assembly in first district, I think Mr. Harmon; also by bills from candidate for coroner and overseer of the poor, I think \$20; not sure. That is all. And there was a balance of nearly \$400 of assessments unpaid.
5. Q. Did you receive money from outside the county?—A. Only as I've stated.
6. Q. What did you do with the Duffy assessment and with the balance of this money?—A. It was all paid out for legitimate business: Livery bills and man to travel, printing, furnishing Irish World and documents we had printed, and the Utica paper. We distributed from 1,000 to 1,200 of the Utica paper weekly; 200 copies of the Irish World weekly, besides a large quantity of other papers; also \$40 for one meeting—hall and band—when Duffy made his speech at Oneida. In fact, the whole sum of money was expended the Thursday before election.
7. Q. Was this \$200 from Duffy paid to you at one time?—A. It was not.
8. Q. You may state when it was paid and how it was paid.—A. Very shortly after Mr. Duffy was indorsed by the Democratic party he paid me \$150 at one time in money; then, I think, the week before election he sent me a check from De Ruyter of \$50. I indorsed it over to Democratic Union publishers for printing tickets.
9. Q. Did you know of Mr. Duffy's using or supplying money to any one else?—A. I do not. I have never heard of it.
10. Q. Did you never have any conversation with Mr. Duffy in relation to other assessments upon him as incidents of the campaign borne by him?—A. I have no positive remembrance as to other assessments. It seems to me that at the time he paid me this first money that he expected to be assessed by the Democratic party.
11. Q. And did you afterwards learn, by rumor or otherwise, of payments by him?—A. I did not.
12. Q. Do you know our urbane friend Mr. Lippitt, chairman of Democratic county committee?—A. I do not know him.
13. Q. Did you never hear that Mr. Lippitt had received money from Mr. Duffy?—A. No, sir.
14. Q. Nor that money was furnished by Mr. Duffy to be used for political purposes in Oswego County?—A. No, sir.
15. Q. Did you pay any one or promise to pay any one for political services rendered at the polls on election day in the village of Oneida?—A. Not one cent.
16. Q. You had, by your arrangement of the campaign, poll-drivers at the various polls throughout the county working in the interests of Mr.

Duffy, did you not?—A. That was left to the county committeemen, respectively, in their own towns, and so far as I know was done without pay, and as a labor of love.

17. Q. And it has been customary throughout your county for each and all of the parties to be represented at the polls on election day by partisans known as poll-drivers, has it not?—A. Certainly.

18. Q. And you led the van for your party at Oneida on the last election day, did you not?—A. I was very busy that day, sir.

19. Q. What was you doing that made you so busy?—A. I was trying to get in as many votes for our candidates as I possibly could legally.

20. Q. What do you mean by legally?—A. I mean by that, showing our party and its principles in its best light.

21. Q. How could you show your party in its best light on that day?—A. There was plenty of time.

22. Q. But where could you do it, and what opportunities offered themselves for advocating the principles of your party at the polls?—A. For example, we will say for instance, if I saw a Republican friend of mine before he had voted, I would present to him our claims and try and make him believe it will be for his best interests, and for the country, to go as I was doing.

23. Q. In other words, doctor, you assumed the same relation when you met a Republican friend as did David to Jonathan.

(Objected to on the ground that the meaning of the question is unknown to either of the counsel for contestee except the one who was formerly a Greenbacker; 2d, that this issue is a charge of bribery against Mr. Mason, and the charge has been fully proved by both direct and circumstantial evidence, and that this question in no way disproves it. Objection sustained.)

24. Q. You mean, do you not, doctor, that you took your Republican friend aside, and expounded to him the Greenback idea as best you could, and tried to convince him that the success of that idea would best promote the general welfare of the country, and asked him to support your ticket?—A. That is about the idea; but did not take anybody aside particularly.

25. Q. By taking a man aside, I mean that you stepped from the general crowd around the polls to a convenient place for talking, not for any wrongful intent?—A. I don't know of any particular case where I took them aside; I usually spoke to a man where he was.

26. Q. Did you talk with any one and expound the doctrines of your party with a view to changing his vote that day when no third person took a part in same conversation?—A. Not that I know of; quite sure I did not.

27. Q. Did you, in your judgment, succeed in changing the views of the voter with whom you talked?—A. I think some put in their votes, having been convinced by what I said.

28. Q. And were there others working at the polls at Oneida in aid of your ticket, and endeavoring to persuade men to vote the Greenback ticket?—A. I presume there was. The result of the election showed there were others beside myself, I think.

29. Q. And when either you or they had effected the result by personal application and personal effort, and the voter deposited the vote differently from what he otherwise would have done, perhaps, did you feel that you or those who were aiding you to accomplish that result had been guilty of anything wrong?—A. No, sir. I considered that I had done nothing to coerce or change their mind unwillingly. I

sought to convince their minds that it was best for our country to have a change.

30. Q. And there were representatives of the Republican party working at the same polls, were there not?—A. There was.

31. Q. And did they not also labor to convince in favor of their ticket?—A. They did.

32. Q. And when they succeeded as you had succeeded did you feel that it was necessarily an evidence of corruption?—A. No; I presume there are some honest Republicans.

33. Q. And do you not believe there are many honest Republicans and men who work at the polls?—A. Yes, sir.

34. Q. And do you regard it as an evidence of corruption for such men to advocate the support of their ticket at the polls on election day. do you?—A. Certainly not.

35. Q. And the fact that a wavering voter finally votes with them—you do not take that as an evidence that the poll-driver is corrupt, do you?—A. I do not; if the poll-driver is honest and no money or force used I consider it no evidence.

36. Q. You would not feel justified upon that fact alone in charging that money had been used, would you?—A. Certainly not.

37. Q. These changes at the polls and in the absence of corrupt influences are no very uncommon thing, so far as your experience goes?—A. They are not.

Cross-examination by S. D. WHITE:

38. Q. What is your age?—A. 52 years.

39. Q. Your occupation?—A. Dentist.

40. Q. How long have you been a resident of Madison County?—A. Between 23 and 24 years.

41. Q. Up to about a year ago what had been your politics?—A. Democrat.

42. Q. Since then have you been a soft-money Democrat, sometimes called a Greenbacker?—A. I have.

43. Q. For the last 20 years have you taken an active part in the politics of Madison County?—A. Yes, I have; not an office-seeker but a worker.

44. Q. Were you in the county Greenback conventions last fall or any of them?—A. I was; at Morrisville.

45. Q. Name some representative Greenbacker whom you saw, beginning first with Oneida.—A. Dr. Cavana, Mr. Burdick; names slipped from my mind; I think I saw Mr. Keith there, who is now acting counsel for contestee.

46. Q. Did you know or hear of money being used or any other improper influences in the interest of Mr. Duffy in the village of Oneida at the last general election?—A. I did not.

47. Q. Have you since learned of such?—A. I have not.

48. Q. Do you know or have you any reason to believe that any money was used in his behalf in the county of Madison other than legitimate expenses?—I do not.

49. Q. Or in the county of Oswego?—A. No, I do not; I don't know anything about Oswego County.

50. Q. Notwithstanding this contest have you heard of any money being used in his behalf for improper purposes in either county?—A. No, I have not.

51. Q. This check spoken of by you as coming from De Ruyter, was it sent by mail or some individual?—A. By mail.

52. Q. Apparently it came through some banking-house at the village of De Ruyter, did it not?—A. If my recollection serves me right it was drawn on the banking-house of E. B. Parsons & Co.

53. Q. Now state what knowledge you have, either from personal observation or rumor, as to the improper use of money by Mr. Mason or persons in his behalf or in the interest of the Republican party in the village of Oneida and elsewhere in the counties of Madison and Oswego on the day of election last, commencing first in the village of Oneida.

(Objected to; should be confined to matters relating to the election of member of Congress; 2d, the question calls for evidence belonging to contestant's case and not to a cross-examination; 3d, that contestant having closed his case, cannot now give affirmative proofs; 4th, question calls for hearsay, and the same is incompetent. Notaries differ. Underhill sustains; Scranton dissents.)

A. As far as the village of Oneida is concerned I know of no money being used for Mr. Mason personally, aside from his being on the Republican ticket, and that only from rumor. In the case of three or four voters who were hanging around the polls along late in the afternoon, I was told they were waiting for money before they voted; I was asked by two or three if I had any money, and I told them no, not a cent. I heard Henry Klock, a Democrat and supporter of Duffy, asked the same question, and he replied he had no money, and if he had he would not give them \$3 apiece. I was told by John H. Daggert, a Greenbacker at that time, that they wanted to vote the Greenback ticket, but were poor and must have some money, and that they were afterwards fixed and voted the Republican ticket; and it was currently reported, I don't know from personal knowledge, however, that there was considerable money used by De Lano's (the sheriff candidate on Republican ticket) friends in support of the whole Republican ticket in the village of Oneida.

54. Q. From your knowledge of the voters of that town, and from what you saw previous to and on election day, result of that election, and the general rumors which you have spoken of, have you any reasonable doubt but that large sums of money were used in the several election districts in the town of Lenox in the interest of the general Republican ticket, of which Joseph Mason, the contestee, and Milton DeLano formed a part?

(Objected to as before; same ruling.)

A. I do not know how I can answer that directly "yes" or "no." It's my impression that there must have been money used to bring about part of the results in that town; I know nothing personally except as I have stated. I might say this, I don't believe friendship would cause so many Democrats to vote a part of the Republican ticket.

55. Q. Have you heard of a meeting that Mr. Mason and Mr. DeLano had just previous to election, in which they both said that before they would be defeated by this Greenback craze they would spend their salaries?—A. Not to my recollection.

56. Q. Was your belief so strong after election that the county had been carried by corrupt means that you sent for Mr. Richardson, the candidate for sheriff, to come to the village of Oneida in reference to contesting the election of Milton DeLano?

(Objected to as immaterial and incompetent; that the acts and doings of Milton DeLano, the candidate for sheriff, if proven, are no evidence touching the issues here enjoined between contestant and contestee; 2d, that it is immaterial as to what witness did or how he came to do it;

should be confined to facts relevant to the issues in this case. Objection sustained; Scranton dissenting.)

A. It was.

57. And do you know one Rasbach, of Canastota, cashier of the bank?—A. Only by reputation.

58. Q. Has he a son or other relative there, as you understand?—A. I believe he has a son.

59. Q. Mr. Richardson resided at Eaton village, did he not?—A. Yes, sir; that is where his letters were directed.

60. Q. Did Mr. Richardson come to Oneida in response to your message?

(Objected to as before, and for the reason that these depositions relate to a Congressional contest and not to a contest between Milton DeLano and Mr. Richardson, his competitor for sheriff; and further, contestee is entitled to the time allowed him by statute to take evidence in the matter of his controversy, and in reply to the depositions taken on the part of Mr. Duffy. And the same should not be consumed in a matter relating to the office of sheriff of Madison County, and over a contest which has never existed. Objection sustained; Scranton dissenting.)

A. He came a few days after; a day or two, I think.

61. Q. Did he then and there show you a letter purporting to come from Mr. Rasbach, to the effect if he came to Canastota he would learn much which would aid him in that contest?

(Objected to for all the reasons before given, and also that the letter is the best evidence as to what it contained, and further that Mr. Rasbach cannot write a letter which can in any way affect the rights of Judge Mason; and hearsay. Objection sustained; Scranton dissenting.)

A. Yes; he showed me a letter purporting to come from Mr. Rasbach.

62. Q. About what was the usual Democratic vote in the election district of which Canastota forms a part?—A. I cannot tell.

63. Q. Then do you remember what vote the party got in opposition to the Republican ticket?—A. No.

64. Q. You say you have been familiar with the politics of this county for the last twenty years; has it been rumored for the last five years that there was a Republican ring of politicians in this county?

(Objected to as immaterial, incompetent, and does not relate to the issues in this case. Objection sustained; Scranton dissenting.)

A. From general rumor and report I have understood it to be so.

65. Q. Upon the question of Congressional and senatorial nominations, have you also understood the same in relation to the counties of Oswego and Madison?

(Objected to as before. Same ruling.)

A. I cannot answer that I have.

66. Q. State who, as you understand from rumor, compose that ring in Madison County, omitting, if you please, the lesser lights of it.

(Objected to as before; and further that contestant is trifling, and only inspired with a desire to use up time. Objection sustained; Scranton dissenting.)

A. The names that come to my memory are, Judge Kennedy of Morrisville, Dr. A. M. Holmes, and in connection with those names I have heard of Joseph Mason, contestee; Milton DeLano. I have heard others, but can't recall them.

67. Q. How long has the opposition to the Republican party been fighting that ring?

(Objected to as before. Same ruling.)

A. Quite a number of years; I should say fully ten years. The ring

was about all there was of it as far as nominations are concerned, in my opinion.

68. Q. I judge from what you have said you regard that ring as a hard one to beat?

(Objected to as before, and for the further reason that it is a reflection upon the witness as a successful politician. Objection sustained; Scranton dissenting.)

A. It has proved so to be, I think.

69. Q. You say that that ring comprises the Republican party, substantially, so far as nominations are concerned, do you not?

(Objected to as immaterial. Same ruling.)

A. I have supposed it so to be in a measure.

70. Q. Do you not regard such a ring as that as dangerous to the interests of the people at large?

(Objected to as before, and as trifling with the rights of contestee, and witness incompetent. Same ruling.)

A. Not necessarily so when used for legitimate political purposes.

71. Q. Do you believe it right and in the interest of the people at large, that a few men in a county should control the nominations and select all the officers from their own ring?

(Objected to as before; same ruling.)

A. I can't answer yes or no directly; I think as long as the world stands there will be a few men who will have what might be a control over the masses, and when they use their power in a legitimate manner I do not see but it is right. If they use that power for their own individual good, to the detriment of the masses, it's wrong.

72. Q. In connection with the use of money by Mason and his friends, let me ask you if it is rumored that Mason is possessed of large wealth?

(Objected to as before, and also for the reason that since it's no crime to be poor in America, it is equally no crime to be possessed of substance. Objection sustained; Scranton dissenting.)

A. I have understood that Mr. Mason was well off, probably wealthy.

73. Q. Have you ever heard it rumored that Mr. Duffy belonged to a corrupt and dangerous political ring?

(Objected to as immaterial; objection sustained; Scranton dissenting.)

A. No.

74. Q. Did you hear the eloquent speech Mr. Mason made, or was reported to have made at the time of his nomination at Oneida, and therein did he state in your hearing that he had resolved to be elected at all hazards or at whatever costs?—A. I was in there just a few minutes, and nothing of that kind was said. His speech was very gentlemanly, so far as I heard.

75. Q. You spoke, in the early part of your testimony of there being several voters who you thought were bought in the village of Oneida; state how many there were.—A. Three or four; I am inclined to think it was four. They were in the stairway most of the day.

Redirect:

76. Q. Doctor, this check that you have spoken of as having been received from De Ruyter, was a check drawn by Mr. Duffy, and sent to you, as you understand, to meet the deficiency of his assessment, \$150 of which you had already had, and that it was drawn upon E. B. Parsons & Co., bankers, as you suppose, and turned it over directly to Baker & Maxon?—A. Yes.

77. Q. Have you reason to believe, doctor, that money was used at the

village of Oneida especially to advance the interests of Judge Mason, and in an illegitimate manner?—A. Not to my knowledge.

78. Q. Will you name the three or four persons whom you saw hanging around the polls long late in the afternoon, and of whom you were told they were waiting for money?—A. I cannot name them myself.

79. Q. Can you name any one of them?—A. I think there was one by the name of Daggart—a cousin of John Daggart.

80. Q. Do you know where he lives and what street?—A. Oneida; don't know the street; across railroad.

81. Q. Do you know that Daggart voted at all that day?—A. I do not.

82. Q. Do you know that either one of those men voted that day?—A. No, not personally.

83. Q. Did you ever hear any one say that they saw Daggart vote?—A. No.

84. Q. Did you ever hear any one say that they saw either of those men vote November 5th last?—A. No.

85. Q. There were a larger number of votes polled in your town for Milton De Lano the then Republican candidate for sheriff, in excess of those voted for Judge Mason for Representative in Congress?—A. There was, I believe.

86. Q. And how did you account for DeLano's running so far ahead of Judge Mason in the town of Lenox?—A. In my opinion it was personal friendship and use of money.

87. Q. And yet you don't know of a dollar that DeLano or his friends improperly applied in behalf of him to advance his election as sheriff?—A. Not personally; only by hearsay.

88. Q. Had money been used for the joint interest of both DeLano and Judge Mason would not that application in behalf of both have advanced the interests of both alike, in your judgment, in the town of Lenox?—A. It would certainly in a measure.

89. Q. Now is it not a fact that Judge Mason did not run ahead of the Republican State ticket in the town of Lenox, or, if so, but very slightly?—A. My impression is he did not run ahead of the State ticket.

90. Q. Have you ever seen any evidences in the town of Lenox of the corrupt use of money by Judge Mason?—A. I know I have not personally.

91. Q. Have you seen any evidences which warrant you in charging that either Judge Mason or his friends corruptly used money in the town of Lenox to advance his interests in electing him to Congress?—A. No, sir; not him alone.

92. Q. (Same question repeated.)—A. I think that there was money used by the Republican party in aid of that ticket. I don't know that Judge Mason used a cent. I have no personal knowledge to that effect.

93. Q. Doctor, if you have seen any evidences which warrant you in charging political corruption on the part of Judge Mason in the town of Lenox, will you state them.—A. I have not seen anything that Judge Mason has done out of order.

94. Q. If you have seen anything on the part of Judge Mason's friends which warrants you in charging that they have resorted to corrupt means in his behalf, will you state that.

(By Mr. WHITE. In justice to the witness I ask that the counsel may state whether he means personal or political friends or both.

Counsel for contestee instructs the witness that he may apply the rule to both political and personal friends, providing he will designate wherein those friends have violated a law for the purpose of electing Judge Mason to Congress.)



A. In answer to this I want it distinctly understood I do not charge Mr. Mason or any of his friends on my own knowledge with any illegal use of money, only by hearsay and rumor.

95. Q. Now do you charge Judge Mason or his friends with the corrupt use of money upon anything which you regard as reliable authority touching his election to Congress?—A. No.

96. Q. What you do mean to say is this, is it not doctor, that judging from the large vote in the town of Lenox given to the Republican candidate for sheriff inspires the belief in your mind that something more than legitimate means was employed to work out that result?—A. That is what I mean.

97. Q. Now is not that all you mean?—A. Yes.

98. Q. Then from that you assume to argue that the same influence brought to bear in favor of the sheriff would have a tendency in your judgment in some degree to advance the interests of the rest of the ticket, do you not?—A. I do, and that is the whole sum and substance of it.

99. Q. And you do not assume, as I understand, to have any personal knowledge that unfair or corrupt means was employed to advance the political interests of the candidate for sheriff; that your information on that subject rests upon rumor and the state of the vote?—A. Yes; that is just it exactly.

100. Q. And that is all you do mean as to the sheriff, is it not?—A. Yes; that is all I mean.

101. Q. Mr. DeLano, the Republican candidate for sheriff, had once served the county of Madison in that capacity had he not, and he resided in the town of Lenox, did he not?—A. Yes.

102. Q. You know him to be a young, active, earnest, and energetic man, do you not?—A. I do.

103. Q. The other candidate, Mr. Richardson, was a new man, and resided in another part of the county, did he not?—A. Yes.

104. Q. Was not the political contest upon the question of sheriff made also one of locality, as an element of that contest?—A. Well, not particularly so in the county, but it did to that part of the town of Lenox where he resided?

105. Q. Was it not in that election district where Canastota is located?—A. Yes.

106. Q. And did not the same prevail to a greater or less extent in the four election districts of that town?—A. The Clockville district would probably favor him some, but I don't know that it did in the other districts.

107. Q. Then the two districts wherein his vote surprised you was the one in which he lived, known as the Canastota district, and the Clockville district, which adjoins the former upon the east, was it not?—A. It was.

108. Q. Did you understand that Judge Mason's majority in those two districts exceeded the Republican vote upon the State ticket?—A. I think it did not.

109. Q. Then you think that DeLano's efforts to secure his own election, either by fair or foul means as the case may be, while measurably contributing to advance the interests of Judge Mason, equally contributed to advance the interests of the whole Republican ticket, including the State ticket as well, do you not?—A. Yes, sir; I think so.

110. Q. Then you believe that DeLano's vote was largely augmented by local feeling arising in his district and in the Clockville district, do you not?—A. I think it was considerably so.

111. Q. And can you swear that it was not the cause solely, aside from his own earnest yet proper endeavors to secure his election in these two districts?—A. Of course I cannot swear to it.

112. Q. All you do mean to say is this, is it not, that looking to that unusual vote, it impresses your mind with the idea that improper means had been employed?—A. Yes.

113. Q. You do not know that Judge Mason belongs to any political ring, I suppose, do you?—A. Only by general reputation.

114. Q. I understand you to say you did not regard it either disreputable or dangerous, providing that ring, so called, had for its ends and aims legitimate and proper means, and that the influences of that ring was not employed improperly to advance the personal interests of particular men?—A. That is substantially correct.

115. Q. You do not regard it as discreditable in Judge Mason that he has through his professional and personal industry secured a competency?—A. Certainly not.

116. Q. You do not suppose for a moment that Counselor White in putting that question envied Judge Mason his success in business?—A. I hope not.

117. Q. Do you understand, doctor, that Judge Mason's vote in the county of Madison exceeded that given to the Republican State ticket in November last?—A. If my recollection serves me right, it did not.

118. Q. As a rule, judging from your political experience of more than twenty years, do not creditable men run in advance of the ticket, as did DeLano, in the town where such candidates reside?—A. Yes.

119. Q. And you do not regard that fact of itself evidence of corruption, do you?—A. No.

120. Q. Do you not more frequently regard it as an indorsement of the real worth and an acknowledgment of the personal popularity of the candidate himself among his neighbors?—A. It often happens so.

Re-cross by S. D. WHITE :

121. Q. Which was the most popular candidate of the two, DeLano or Judge Mason?

(Objected to. Immaterial. Objection sustained. Scranton dissents.)

A. I should judge DeLano was from the vote. Mason got 7 majority, and DeLano from 200 to 3,000 in this county.

122. Q. Judging from what you said on election day, and from what you then heard and since have heard, have you any reasonable doubt but that money was used by members of the Republican party in the interest of the general ticket.

(Objected to. All been gone over, immaterial, and incompetent. Objections sustained; Scranton dissents.)

A. No personal knowledge of any money being used.

123. Q. Leaving out of the question the idea of personal knowledge, what then is your answer?

(Objected to same as before: that the the witness has just stated upon cross-examination and fully the ground upon which he predicates his opinion such as it is. Same ruling.)

A. I can't say that I have no reasonable doubt that money was used. I judge from the large majority of DeLano; rumor says money was used.

Redirect-examination by Mr. Lamoree :

124. Q. How soon after the election did you hear those rumors in regard to DeLano's use of money?—A. On the day of election and days after.

125. Q. Has there been any contest instituted or examination made

through which to establish the truth or falsity of those rumors?—A. Not to my knowledge.

126. Q. And Mr. Richardson came at your request to consult with you, did he not?—A. Yes.

127. Q. And that was shortly after the election?—A. Yes, within a week.

128. Q. Did he go to Canastota and the Clockville district where De Lano's large majorities were had, and with a view to investigate them or learn the facts relative thereto?—A. Not to my knowledge.

129. Q. The time is now past as you understand, and the idea of such a contest is abandoned?—A. Yes.

A. E. CHERRY.

Sworn and subscribed to March 25, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, N. Y.*

MARCH 28, 1879.

*Deposition of E. E. Welton.*

E. E. WELTON, a witness produced and sworn, testifies as follows:

1. Question. What is your age?—Answer. 64 years.

2. Q. Where do you reside?—A. In this village.

3. Q. How long have you resided in the village of Hamilton?—A. Since '51.

4. Q. At the election held in November last, was you a member of the board of inspectors for Hamilton election district?—A. Yes, sir; and president of the board.

5. Q. For how many years have you been a member of the board of inspectors of the Hamilton election district?—A. For 22 years.

6. Q. At the last November election in that district, where were the polls held?—A. In this room. Tripp's hall.

7. Q. Do you remember of the elector Hollingsworth voting?—A. I do.

8. Q. Was Judge Mason present, and did you see him when Hollingsworth voted?—A. I did not see him, and think he was not present at the polls.

9. Q. Did you then know, or have you since learned where Judge Mason was at the time?—A. I have since learned that he was at his house to tea.

10. Q. Was the vote cast by Hollingsworth the last vote polled?—A. It was.

11. Q. And how soon after Hollingsworth voted were the polls closed?—A. Immediately.

12. Q. Prior to Hollingsworth voting, did you invite Judge Mason to take a seat at the table with the board of canvassers and be present at the canvass of the vote polled at that election; if so, state how long it was before closing of polls, and what was said by you and Judge Mason respectively?—A. About a half or three quarters of an hour before the polls closed. I asked Judge Mason if he would be present and have a seat at the table while the vote was being canvassed; he replied that he would. He would go first and get his tea, and then come back again. That is the substance of the conversation.

13. Q. Did you then notice what Judge Mason did or where he went?—A. I don't know where he went; I saw him no more until after we had commenced counting the vote. I think that the State box had

been counted and we were unfolding the votes when Judge Mason came to the table.

14. Q. What did he then do, when he came to the table?—A. He took a seat at my right hand in a chair which had been reserved for him close to me, and remained, I think, until after the Congressional vote was canvassed.

15. Q. What other votes were canvassed in his presence?—A. The State vote.

16. Q. Who else were present at the table? Name them, and tell where they respectively sat.—A. Mr. Van Slyck sat at west end of the table; J. C. Waldron, one of inspectors, occupied seat next to Van Slyck, but on south side of table. George Beal, the other inspector, sat at Waldron's right hand on south side of table. Next on the right was C. W. Stapleton, one of the poll clerks. At right of Stapleton, and on east end of table, was T. H. Beal, poll clerk. Some individuals stood on north side of table and at my left hand, but I don't remember who they were.

17. Q. Who sat at right hand and who at left hand of Judge Mason at table?—A. Mr. Van Slyck at his right, and I at his left hand. We sat as close together as we well could.

18. Q. Before Mr. Hollingsworth's vote was received, did he before the board swear that he had been a resident of the State one year, and of this county for four months, and of this election district for thirty days?—A. He did.

19. Q. And was his vote then received after taking the preliminary and general oath?—A. It was.

20. Q. And did the board then decide upon the facts presented, and upon the sworn examination of Hollingsworth as to his right to vote?—A. They received his vote. If the receiving of the vote is a decision, then they so decided.

21. Q. During the canvass of the vote and while Judge Mason was present at the table, was anything said concerning the vote polled by Hollingsworth?—A. Not that I heard.

22. Q. Did you hear any person in the audience make any remark, jesting or otherwise, concerning Hollingsworth or his voting?—A. I have no recollection of anything being said.

23. Q. As Judge Mason was taking his seat at the table or while sitting at the table, or at any time that evening, did he say, in speaking of the voter Hollingsworth, "That is the vote that Watts made so quick," or "That is the vote Watts made so quick," or anything like it in substance or effect?—A. I heard nothing from Judge Mason to that effect.

24. Q. Did you hear him mention either Hollingsworth's or Watts's name?—A. I did not.

25. Q. Did any other person sitting at the board mention in the presence of Judge Mason the name of Watts, or Watts Cushman, or Hollingsworth?—A. I have no recollection now of any mention of Hollingsworth or Watts Cushman while we were canvassing the vote.

26. Q. On election day, how far did Judge Mason live from where the polls were held?—A. About 50 or 60 rods; may be more.

27. Q. While canvassing the votes, was not your position such that if Judge Mason said or used the language attributed to him by the witness Beal concerning Hollingsworth, to wit, "This is the vote that Watts made so quick," or that in substance, that you would have heard and understood what he said?—A. If it had been said in a common or ordinary tone of voice, I think I should have heard it.

28. Q. After the votes were canvassed, to what place, if any, and for

what purpose did the board retire?—A. The board, after the canvass, retired to a room below the hall, for the purpose of making a statement of votes and certificate of canvass. The room known as the village trustee room.

29. Q. Is that the room which has been spoken of in evidence heretofore given in these proceedings as the room below?—A. It is.

30. Q. While in that room in the presence of Thomas H. Beal, of the witness C. W. Stapleton, or of any other person, did you make use of the words, "Mason is probably elected, but it has cost him a pile of money," or words to that effect?—A. No, sir.

31. Q. Did you say those words or have any such conversation in that room?—A. No, sir; I had no such conversation.

Cross-examined:

32. Q. Were you subpoenaed last week in the student matter to Utica, or did you go without a subpoena?—A. Witness declines to answer concerning his relation to prosecutions of students as being no part of cross-examination.

33. Q. Before the case came to the notice of the grand jury, did you talk with some of the members of the grand jury for the purpose of influencing their action, and did you then and there learn that you were threatened with arrest and prosecution for what you had done and were doing with members of the grand jury?—A. (Witness declines to answer.)

(Counsel for contestee objects as immaterial.)

34. Q. Did you then state that you had talked with members of that grand jury, and did you then and there make your boast that the students would not be indicted, and did not Mr. Stapleton inform you that the marshal and other officers of that court had discovered what you was doing and had done, and that they were looking into the matter, or that in substance?

(Objected to as immaterial, and insulting to witness.)

A. (Same answer.)

35. Q. Were you present when Hollingsworth voted?—A. I was.

36. Q. For whom did you vote for member of Congress?

(Objected to as immaterial.)

A. The constitution of the State of New York gives me the right to vote a secret ballot. That ballot is my property. I don't propose to answer any question as to who I voted for or why I voted.

37. Q. Do you know of anything which you are willing to state which will aid Mr. Mason? If so, state it with alacrity.

(Objected to: That Counsellor White has no right to usurp authority and appear for Judge Mason. The question is immaterial and insulting to the witness. Objection sustained.)

38. Q. Did you state, while the vote was being cast, to Mr. Stapleton and Beal and others, or to any one, that you should cast or had cast a blank ballot for member of Congress?—A. I have no recollection of making any such remark, and don't think I did.

39. Q. Will you swear you did not to any one, to them or either of them, or any one else?—A. I have no recollection of making any such remark. I can't say as to any farther than that.

40. Q. Will you say that you did not cast a Congressional ballot, apparently a Republican ballot, but in fact a blank ballot?

(Objected to as immaterial. Objection overruled.)

Witness puts himself on his privilege.

41. Q. Did you vote for Sebastian Duffy for member of Congress at the last election?

(Objected to as immaterial. Objection overruled.)

A. Same answer as before.

42. Q. Do you decline to answer the question whether you voted for Mr. Mason or Mr. Duffy because you are ashamed of the act of voting for either of them? If that is not the reason, please state what it is.

(Objected to, as immaterial, trifling, and only designed to annoy the witness. Objection sustained.)

43. Q. Do you remember this fact, that there were two Congressional ballots in the State box at the last election?—A. I remember this, that there was some ballots that were in the wrong box; it may have been Congressional votes in the State box; I can't state positively.

44. Q. And were they handed over to Joseph Mason to keep until it was ascertained whether there was a mistake or not, and did he so take and keep them?—A. I don't recollect as to that.

45. Q. Have you not, since this investigation commenced, stated that you remembered the fact that Mr. Mason was there when the State ticket was being counted from the fact that you remembered that there were two Congressional tickets in the State box, and that you handed them to Mr. Mason to keep until you could see whether there was two tickets short in the Congressional box?—A. I don't think I made such a statement.

46. Q. Will you swear that you have not?—A. I will swear that to the best of my recollection, I have not.

47. Q. (Question repeated.)—A. That is all the answer I am able to make.

48. Q. State one word, if you can recollect, that Mr. Mason said while sitting at the table?—A. I cannot recollect any particular word now.

49. Q. Can you say anything that E. D. Van Slyck said while sitting at the table that evening?—A. I cannot recall any particular words.

50. Q. Or anything said by Stapleton?—A. I do not recollect any particular conversation at that table, except upon the counting of votes.

51. Q. Would you say they did not each and all of them say something?—A. I could not say that they did not.

52. Q. Would you dare say that Judge Mason did not speak during the time you were canvassing votes?—A. I would not swear to any such thing.

53. Q. Would you dare say he did not laugh?—A. No.

54. Q. Is not this all you wish to state: That if such remarks were made by Mr. Mason your attention was either so occupied with your duties that you did not hear them, or if you did hear them you do not now remember them?—A. No; it is not all I mean to state; I mean this, that if Mr. Mason had made any such remark in a common ordinary tone of voice, I, sitting so near him, would have heard him.

55. Q. You say you would have been likely to have heard him. Do you mean to say that at no time during that canvass your attention was not so occupied with your official duties and responsibilities that you would not have noticed it?—A. I do not pretend to say but what that expression might have been made and I not have heard it.

56. Q. Was your attention on your official duties and remarks made by the officers of the board, as was plainly your duty, or was it upon declarations made by persons other than members of the board?—A. I presume my mind was busy at that time the same as at every other time I am canvassing votes, with my official duties.

57. Q. Since Beal's examination, have you not stated, in words or substance, that Beal was correct?—A. No, sir.

58. Q. Have you any recollection of handing two votes to Mr. Mason?  
—A. No, sir; I have not.

59. Q. And have not so stated?—A. I think not.

60. Q. Were you present when Mr. C. W. Stapleton gave his evidence as to what you said about Mason using money?—A. I think I heard it; I was.

61. Q. Do you know the man well?—A. I do; I can't state what he said on subject in his exact words; I can state the substance of it; he said he had heard me say that I thought or believed Mr. Mason had used money in this canvass, or words to that effect.

62. Q. Was not this it: "I guess Mason is elected, but it has cost him a pile of money"?—A. That was not the language I heard.

63. Q. Did you say any such thing as that?—A. No, sir; not that I have any recollection of.

64. Q. Will you swear you did not?—A. I will swear that I have no recollection of having any conversation with Mr. Stapleton when such words were used.

65. Q. Is that as strong as you can put it?—A. Yes.

66. Q. As Mr. Stapleton gave that evidence and used the words that he claimed you had used, did you observe a little difference between those words and the words as given by Beal, and did you then, in the presence of many people, nod your head and say that was correct, and was your attention called to that fact by my saying "Welton nods his head and approves of it"?—A. There are two or three answers to that question. There is quite a difference in the language ascribed to me by Mr. Stapleton and that by Mr. Beal. When Mr. Beal gave his testimony counsel for contestant cast his eye toward me. I did nod my head, but not as an intimation that I recognized Mr. Beal's testimony as true in that regard. I also said to one of counsel for contestee that that was not true. The difference was, Mr. Stapleton swore to words he had heard me say that I thought Mr. Mason used money in this canvass. Mr. Beal swore that in the room below, when we were making our final statements, I there said that I thought Mr. Mason was elected, but it had cost him a pile of money.

67. Q. To which of counsel for contestee did you say that?—A. To Mr. Smith, I think.

68. Q. My question was not as to your approval by the nod of the head and saying that was correct, when Beal testified, but as to what you said when Stapleton testified on that point?—A. I have no recollection of making any motion or saying anything on that occasion.

69. Q. And is your memory good?—A. Generally pretty good.

70. Q. And have you not said to Mr. Stapleton, "You got the language as I used it," or words to that effect?—A. I can't swear that I did.

71. Q. Can you swear that you did not?—A. I can swear that I don't think I used those expressions when he and I had a conversation on the subject.

72. Q. (Question repeated.)—A. I can't swear any stronger than that.

73. Q. Then it appears you did, in a conversation you had with him, admit you did use some words about Mason's using money; what was it you admitted to him you had said?—A. Mr. Stapleton and I had a conversation after the evidence was given. That conversation related to what had been sworn to on the examination. He said he had sworn that he had heard me say that I thought or believed that Mr. Mason had used money in this canvass. He did not tell place, where, or when. I think I said to him that I presumed I had said something of the kind, but had no recollection of it or where it was.

74. Q. Mr. Lamoree suggests to me that I ask you some questions about the Madison County ring. Have you ever heard anything about such a ring?—A. I have heard of such a thing.

75. Q. Have you also heard it charged and stated that Mr. Mason, in years past, was interested in canal job contracts, and that Belden & Dennison, of Syracuse, were interested in various contracts along the Chenango Canal, and that Mr. Mason and one N. Wilson Parker shared with them in the legitimate spoils of such contracts?

(Objected to as immaterial. Objection sustained; Scranton dissenting.)

A. I never heard it charged.

76. Q. You have said you did know something about Mason's connection with those canal contracts; what did you mean by that, if anything?

(Objected to.)

A. I don't think I said that.

77. Q. What did you say?—A. I said I knew something about canal contracts.

78. Q. And have you heard Mason's name used in connection therewith?

(Objected to. Objection sustained; Scranton dissenting.)

A. I have.

79. Q. State wherein and how.

(Same objections and rulings.)

A. In 1861, I think, in the month of May or June, the superintendence of section No. 1, Chenango Canal, was let by contract by the canal commissioners of this State, at the city of Syracuse, to Alonzo Peck, N. Wilson Parker, William T. Manchester, Aaron A. Dunbar, and Joseph Mason, for a term of five years, to keep in repair.

80. Q. Was it not generally stated that they did not keep in repair?

(Same objections and rulings.)

81. Q. Have you heard it stated since then that Mr. Mason and other persons were interested in contracts for building locks, repairing feeders, or building reservoirs?

(Same objections and rulings.)

82. Q. Have you not heard it stated that Mr. Mason and others had made large sums of money by their contracts?

(Same objections and rulings.)

83. Q. Did Mr. Mason's connection with the rings spoken of and the canal contracts tend in any way to influence you to vote a blank vote?

(Same objections and rulings.)

84. Q. Your refusal to answer many questions put you, and the continued ruling of the notaries in aiding you to prevent my thus getting an answer, induces me to ask this question: Why have you declined to answer as to how you voted? Answer this, if you can, more than you have done.—A. My answer is the same as before, and that is the only answer I propose to give.

Redirect:

85. Q. You have stated, upon your cross-examination, that the version given by Thomas H. Beal and the version given by Mr. Stapleton, touching your own assertions regarding the use of money by Mr. Mason, were widely different. Did you not assent to the correctness of either version?—A. I have no recollection of it. I did not intend to.

86. Q. You heard both versions when given in evidence?—A. I think I did.



87. Q. Did you, at the time, recognize either as being the language employed by you when speaking with reference to Judge Mason's election?—A. I did not.

88. Q. You may state now, as near as you can, what you did say.—A. I can't state the time nor the exact words spoken by Mr. Stapleton. I have no recollection of having the conversation with Mr. Stapleton which he swears to; I will not say, however, that such a conversation did not take place.

89. Q. And what do you understand that conversation to be, as given by him?—A. I understood his remark to be this: that in some conversation with me in regard to the canvass that I had said I thought or believed that Mr. Mason had used money in this canvass.

90. Q. If you did, at any time, so speak with reference to the use of money, had it any relation whatever, in your own mind, to a corrupt and improper use of money by Mr. Mason or his friends?—A. It did not.

91. Q. But you did not understand that all of the candidates were expected to contribute money when assessments were made by their respective parties, and for other legitimate purposes?—A. I have also understood that to be the practice.

Recross:

92. Q. If you used the words, "It has cost him a pile of money," what could you have had reference to?—A. I did not use any such words.

Redirect:

93. Q. Did you, at Utica or anywhere else, undertake to influence the action of the grand jury in the matter of prosecutions or complaints then pending against the students?—A. I answer it no.

Recross:

94. Q. Were you threatened with arrest or prosecution for what you had done with the grand jury on that subject?—A. No, sir.

95. Q. Were you there informed that the marshal and others were about to take action in regard to your conduct?—A. No, sir.

96. Q. Why, then, when I asked you the question, did you decline to answer?—A. I declined to because I thought it had no connection with this contest, and was a matter I did not want to be questioned on.

97. Q. Thinking thus, why did you not decline when Mr. Lamoree put the question to you?—A. Because I thought it would be better to answer the question.

98. Q. Had you been advised so by either of contestee's counsel at any time since?—A. Yes.

99. Q. When?—A. Here in this room.

100. Q. When you and they were talking together?—A. Yes; here this afternoon, when you were not in that chair.

101. Q. Did Mr. Stapleton or Beal inform you of what the marshal or any one connected with that court had said was going to be done on account of anything you had done; and, if so, state what?

(Objected to. Immaterial. Contestant cannot manufacture evidence in that way.)

A. No, sir.

102. Q. What, if anything, did either of them say on the subject? (Same objections and rulings.)

A. I have no recollection of their saying anything.

103. Q. Did you talk with the foreman or any member of the grand jury on the subject of the students?—A. I did.

104. Q. How many of them?—A. Four of them.

105. Q. Before the case was called?—A. With only one before.

106. Q. Who was that?

(Objection. Same ruling.)

A. With Mr. Wilson.

107. Q. Was he first appointed foreman of grand jury and declined?

(Same objections and rulings.)

A. Yes.

108. Q. Were you acquainted with him before you went to Utica?

A. I was not.

109. Q. Did you seek him out or did he seek you out to converse?

(Same objections and rulings.)

A. I can't tell how the acquaintance commenced. I have reason to believe that he knew about the student question before I spoke with him.

110. Q. Did you give him your views upon the subject?

(Same objections and rulings.)

A. No, sir.

111. Q. What did you say and he say?—A. I think he asked me if I was a jurymen and lived in Oneida County. I told him I was not a jurymen, but subpoenaed as a witness before the grand jury. He asked me on what case. I told him on a charge of illegal voting of students in Madison University. He asked me if that was the case decided by Commissioner Denison. I told him it was. That is the substance of our conversation.

112. Q. Did you say to Beal, Stapleton, and others, or to any one in the city of Utica, that you had talked with members of the grand jury and there would be no indictment found?

(Same objections and rulings.)

A. I have no recollection of uttering there any such thing.

113. Q. When you answer thus do you do it because you are aware that if you answer that you have no recollection that there will be no chance for such a contradiction as will make you liable to a charge for perjury?—A. That is not the case.

114. Q. Was it Mr. Lamoree or Mr. Smith that advised you not to decline to answer questions?—A. Mr. Lamoree; and I concluded to take his advice.

115. Q. Having taken his advice to answer questions put you, now state who you voted for for member of Congress?—A. I decline to answer any question as to my voting.

Redirect:

116. Q. On cross-examination of about your having conversed with four jurymen you have given your conversation with one jurymen. Did you converse with other three before or after they had concluded their examination and decided the case?—A. Afterwards.

117. Q. Was Martin I. Townsend the United States district attorney in attendance upon that court?—A. He was.

E. E. WELTON.

Sworn and subscribed March 28, 1879.

CHAS. W. UNDERHILL,

Notary Public for Madison County, N. Y.

*Deposition of Peter B. Havens.*

PETER B. HAVENS, duly sworn, testifies as follows:

1. Question. Where do you reside?—Answer. Hamilton village.

2. Q. How long have you known Judge Joseph Mason?—A. About thirty-five years.

3. Q. How long have you lived in the village of Hamilton?—A. About forty-five years.

4. Q. During your acquaintance with Judge Mason, what has been your relations with him?—A. Friendly.

5. Q. What is your politics?—A. Democrat.

6. Q. For how long have you been a Democrat?—A. Ever since I commenced voting.

7. Q. Are you acquainted with Sebastian Duffy?—A. I am not.

8. Q. Did you attend the political meeting addressed by him last fall in the village of Hamilton?—A. No.

9. Q. Did you know of such a meeting?—A. I did, but was not in town.

10. Q. Did you hear the question as to the effect of his address at that meeting discussed?—A. Did not.

11. Q. Did you hear Mr. Duffy's address during that campaign at Madison, in this county?—A. I did.

12. Q. Was that address devoted largely to the discussion of finance?—A. It was.

13. Q. Did he there advocate the inflation of the currency and the abolition of the national banking system?—A. Yes.

14. Q. Did you approve of his financial views?—A. Can't say I did. Had no opinion about it.

15. Q. For whom did you cast your vote for Representative in Congress?—A. Judge Mason.

16. Q. What lead you to vote for Judge Mason instead of Mr. Duffy?—A. For friendship. I voted for him thirty years ago when he was elected justice, and every time since he has ran for office.

17. Q. Was there any other reason why you supported Judge Mason?—A. Only because he was a citizen of Hamilton.

18. Q. Have you now given the only inducements why you supported Judge Mason?—A. I have.

19. Q. Do you know or have you understood that other gentlemen of the village and vicinity of Hamilton, and members of the Democratic party, supported Judge Mason for Congress? If so, name them.—A. I think I heard Jaret Wickwire say he voted for him; also Le Roy Fairchild and Austin Tibbetts. Know of others, but can't now recall their names.

20. Q. Are the gentlemen you have named men of character and standing in the village of Hamilton?—A. Yes, sir.

21. Q. Have you understood from what you have heard these gentlemen say, or otherwise, why they supported Mason instead of Duffy?—A. Because he was a citizen of Hamilton and a neighbor.

22. Q. What is your business, doctor?—A. Physician and surgeon.

23. Q. And have been how long?—A. Thirty or thirty-five years.

24. Q. Where were you on last election day?—A. I was here, and voted in the morning early. Out of town balance of day.

25. Q. Did you see or know of money or other corrupt influences used by Judge Mason or any of his friends during that campaign in furtherance of his election as member of Congress?—A. Not a single instance.

26. Q. Was your business such that you was constantly mingling with the people in Hamilton and its vicinity, and largely engaged in conversation with them?—A. Don't know as I was very much so. I was around seeing patients, and around the village generally.

27. Q. Since election have you heard of rumors which have been put afloat in and about Hamilton concerning the use of money during that

campaign and on election day by Judge Mason and his friends?—A. I have heard it so remarked.

28. Q. To what do you attribute those rumors?—A. I attribute it to this contested-election case, and that there was something wrong or thought there was. I think the first I heard was when the students were arrested.

29. Q. You say that you never heard of those rumors until about the time the students of Madison University were arrested and taken to Utica for illegal voting. Was that about the time you first learned or heard that Mr. Duffy was to contest the election of Mr. Mason's seat in Congress?—A. Yes; I think it was about that time. I saw it in Democratic Union.

30. Q. Did you know or learn of Mr. Duffy's visit to the village of Hamilton just before or about the time of the arrest of those students, and about the time you first heard of the rumors of which you have spoken?—A. I think I saw Mr. Duffy here about that time.

31. Q. About how soon thereafter did you hear of the rumors of which you have spoken?—A. I think I heard of the rumors before I saw Mr. Duffy here.

32. Q. About how soon after you saw Duffy here was those students arrested?—A. I think they were arrested before I saw him here; am not positive.

33. Q. From anything that you have seen or known, have you any reason to believe, or do you believe, that money or other corrupt influences were used by Judge Mason or any of his friends improperly or corruptly to secure his election?—A. No, sir.

34. Q. And do you believe that there is any truth in fact to those rumors?

(Objected to as immaterial and improper. Objection is sustained.)

35. Q. During the time you was at or about the polls on election day did you see or hear of the use of money or of any other corrupt means being employed by Judge Mason or his friends to secure votes for him?—A. I did not.

36. Q. So far as you saw, learned, or observed in any manner on that day or before was the canvass and the election on the part of Judge Mason and his friends conducted in a fair, legitimate, and proper manner?—A. So far as I know it was.

37. Q. And did you see any indication of money being used?—A. I did not.

38. Q. Did you hear of the predictions made by the Greenback party or any of its members as to the number of votes that party would poll in the Hamilton election district at that election?—A. I did not.

39. Q. These rumors of which you have spoken, you first learned of them after the result of the election in the election district, was it not?—A. Yes, sir.

40. Q. Do you not attribute these rumors in part to the disappointment on the part of the Greenbackers growing out of their unexpectedly small vote in the Hamilton election district after so much boasting in which they had indulged?—A. I don't know as I attributed it to any particular cause.

#### Cross-examination:

41. Q. You speak of Mr. Mason as Judge Mason, and he has been called such frequently, I presume, to give him character. Have you ever heard that he was judge of the court of appeals or judge of the supreme court, or simply county judge?—A. County judge.

42. Q. Did he derive that title from one term of office?—A. He did; one term.

43. Q. And do you know whether he was called first judge or simply a side judge?—A. First judge.

44. Q. You say you have voted for him for the last thirty years when he has been up for office. Do you now think of any office of importance for which he has not been a candidate, either before caucus or convention or afterwards, during those last thirty years? And, if so, name those offices.—A. I don't know of any offices he has tried to get only those three, justice of the peace, county judge and surrogate, and member of Congress. I voted for him for those; don't know as he has been a standing candidate for any other office.

45. Q. Do you know that he has not?—A. I do not.

46. Q. How long were you at the polls that day, and at what time of day?—A. I was in the room probably about two minutes between 8 and 9 o'clock.

47. Q. Where were you?—A. Bouckville and Oriskany Falls.

48. Q. Respectively distances from 4 to 10 miles away?—A. Yes, sir.

49. Q. Of whom did you get your tickets?—A. I can't tell you; I may have got a portion of them of Charles Wilcox.

50. Q. Did you see Professor Andrews peddling Greenback tickets that day?—A. I did not.

51. Q. As early in the morning as that, did you see one Eli Barber Austin Tibbets, Watts Cushman, or the negro Hollingsworth, or either of them?—A. No, sir; don't think I saw one of them.

52. Q. Then I assume you did not see any vote buying?—A. No, sir.

53. Q. You pay but little attention to politics, do you?—A. Very little, indeed.

54. Q. You never peddle tickets, do you?—A. Never.

55. Q. Do you ever urge men to vote one way or the other?—A. Very seldom; I don't know as I ever did.

56. Q. Would you have been likely, judging from what you know of others and they know of you, to have seen any vote buying?—A. No, sir; I don't think I should.

(Objected to. Witness's opinion as to what men or not to do in his presence is incompetent. Objection overruled.)

57. Q. So far as you know, the buying of votes is secretly and privately done, generally?

(Objected to; incompetent and immaterial, and it is irrelevant. Objection overruled.)

A. I presume it is; I don't know anything about it of my own knowledge.

58. Q. How soon after election did you hear of these rumors?—A. About the time the students were arrested.

59. Q. You have been asked as to your belief in these rumors. Now, sir, have you not stated since election in substance that, in your judgment, Mr. Mason would be unseated?

(Objected to; that the opinion of the witness as to the result of this contest is not competent; 2d. that opinion might be based upon the belief of the witness that Mr. Duffy and his friends engaged in this contest would undoubtedly put afloat false and unwarranted rumors as to the use of money by Judge Mason and his friends and prove such rumors upon this investigation.)

60. Q. (Question modified, and witness asked:) Have you stated that since election, in words or substance, that in your judgment Mr. Mason would be unseated?

(Objected to, that the opinion of the witness as to the result of this contest is not competent. Objection overruled.)

A. I have made the remark that I was fearful he would be, but not on account of these rumors.

61. Q. Have you not, to Jaret Wickwire, made this remark in substance, that he was sure to be unseated?—A. I did not.

62. Q. Did you not say to him, and others, that you thought that he would be unseated? I ask for a direct answer.—A. No, sir.

63. Q. Is Mr. Mason reputed to be wealthy?

(Objected to as immaterial. Objection sustained.)

64. Q. Did you hear of those rumors concerning the use of money before Mr. Duffy came here?—A. If I am right in my theory that Duffy was here after the students were arrested, then I heard the rumors before Duffy came.

65. Q. Did you testify upon direct examination that you understood he came here to investigate those rumors?—A. That is what I understood.

66. Q. And, as you understand, after such investigation this contest was instituted?—A. Yes, sir.

67. Q. Have you any knowledge whether Joseph Mason or his friends used any money to corrupt the voters of this district?—A. I have not.

68. Q. Have you any knowledge whether he or his friends took \$1,500 to the city of Oswego for the purpose of buying voters in that city?—A. I have not.

69. Q. Then I assume that you were not his confidential agent or adviser; am I right in that?—A. Yes, sir.

70. Q. Have you any knowledge whether or not money was used in the interest of the Republican party in every district of the town of Lenox?—A. No, sir.

71. Q. Then I assume that you were not the confidential agent of Milton DeLano; am I right?

(Objected to as not fair or a proper way to put question. The counsel inferentially seeks to prove that which he has no evidence in fact. Objection sustained; Scranton dissents.)

A. I was not.

72. Q. You and other friends of Mr. Mason seem to think that the arrest of the students had something to do with this investigation, do you not?—A. I do not.

Redirect examination by J. E. SMITH:

73. Q. Have you ever known of Judge Mason being a candidate except for justice of the peace about thirty years ago, for county judge and surrogate in 1862, and for member of Congress last fall?—A. I do not.

74. Q. I understand you to have stated on your cross-examination that you had expressed apprehension lest Judge Mason be unseated in the House of Representatives to which he has been elected. Will you please explain the nature of those apprehensions, on what they are founded, and what led you to express them to others?—A. My opinion was that he would be unseated because Mr. Duffy had always been a Democrat and they had a majority in the House of Representatives and according to the proceedings in the House of Representatives in other contested cases, the majority always controls.

75. Q. Then I do not understand that your apprehensions are founded upon what you conceive to be the merits of the case?—A. No, sir.

76. Q. So far as your observations go you have no reason to doubt the entire fairness of Judge Mason's election?—A. I know nothing to the contrary.

77. Q. And do you not understand that even in the matter of this contest the Democratic party, or its more prominent leaders in Hamilton, are not in sympathy with Mr. Duffy in the matter of this contest and look upon it as unwarranted?—A. I can't say. I have had no conversation with them in relation to the matter.

78. Q. Have you not heard it remarked in a spirit of bravado that the present House of Representatives would give Mr. Duffy his seat if he waged this contest, or words to that effect?—A. I have heard the remark made, but not tending to this contest, that the House being Democratic he would get it in that way.

Recross-examination by S. D. WHITE:

79. Q. And you have heard members of both parties make such suggestions?—A. Yes, sir.

80. Q. One expressive of fears and the other of hopes?—A. Yes, sir.

81. Q. You have not heard the friends of Mr. Duffy express any such thing in the spirit of bravado, but simply as suggestive of the probabilities, have you?—A. I have heard Mr. Duffy's friends say they thought Mr. Duffy would get his seat on account of that one thing.

82. Q. You have not heard the evidence given in this case either here or at Oswego, have you?—A. No, sir.

83. Q. You know nothing of the merits then, do you, of this contest?—A. No; only what I have heard.

84. Q. You know nothing of the evidence yet to be given?—A. No, sir.

85. Q. So far as you know, can you state that this investigation on the part of Mr. Duffy and his friends is not carried on in entire good faith?—A. I know nothing to the contrary.

86. Q. And that, too, relying solely upon the evidence and the merits of their case?—A. I know nothing to the contrary.

87. Q. And when you spoke of general practices of legislative bodies, did you not have in mind the proceedings of a Republican House of Representatives for the last dozen years or so by which they uniformly turned out Democrats?—A. Yes, sir.

Redirect:

88. Q. Did you believe, being a Democrat, that if a Republican Congress had been guilty of gross partiality and unwarrantable abuse in the exercise of arbitrary power, a Democratic Congress would not, while rebuking such abuses, by their own work, actuated by a spirit of fairness, give Mr. Mason his seat upon the merits of his case, or did you believe that they would add to the great wrong to which you have concurred by multiplying those abuses?—A. I think they would multiply them; at least, it has been so for the past ten or fifteen years there and in our State legislature.

89. Q. Then you have no faith which inspires a belief that the Democratic party will seek to reform those abuses?—A. Not in the present House of Representatives.

Recross-examination:

90. Q. I think you mean to be understood that parties are somewhat alike, and that while the Democratic party would have a little moral restraint, although the Republican party has not for the last twelve years, yet that this House would be inclined to believe as true positive evidence which was given in support of these charges, instead of negative evidence, such as your own has been, tending to prove the contrary. Am I right?

(Objected to as assuming that positive evidence in support of the charges on which Mr. Duffy relies has been given—a fact not proven and a declaration not sustained by contestant's depositions—and as immaterial.

Evidence is excluded on the ground that a due regard for the tribunal which is to pass upon this question leads to the exclusion of all this class of evidence as soon as any objection is interposed.)

P. B. HAVENS, M. D.

Subscribed and sworn to March 27, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

*Deposition of John Y. Bonney.*

JOHN Y. BONNEY testifies as follows:

1. Question. Where do you reside?—Answer. About two miles east of here.

2. Q. What is your age and occupation?—A. Thirty-eight years. A farmer.

3. Q. How long have you resided in the town of Hamilton?—A. Ever since I can remember.

4. Q. What have been your political predilections?—A. A Republican.

5. Q. How long have you been a Republican?—A. Ever since I was a voter.

6. Q. Do you know Albert Dart?—A. Yes, sir.

7. Q. Where does he reside and what is his occupation?—A. South of the village. A farmer.

8. Q. Do you know John Rowland, who has been sworn in this case?—A. Yes, sir, by sight. I am not acquainted with him.

9. Q. He is also a farmer?—A. Yes, sir.

10. Q. Did you hear the testimony of Mr. Dart and Rowland, or either of them?—A. I did not.

11. Q. Do you know Charles M. Wickwire, who was at one time a law student in Judge Mason's office?—A. Yes, sir.

12. Q. For whom did you vote for Representative in Congress last November?—A. Judge Mason.

13. Q. What influences, if any, impelled you to the support of Judge Mason?—A. Not any.

14. Q. You mean by that, I suppose, that you voted for him because he was the candidate for Representative of your party, uninfluenced by other considerations?—A. Yes.

15. Q. On election day did you see Charles or William Kelloway at or near the polls?—A. Saw Charles near the polls.

16. Q. Did you have a conversation with him upon political subjects?—A. No, sir.

17. Q. Did you have a conversation with him near the polls upon any subject?—A. No, sir.

18. Q. Did Mr. Kelloway or any other person in any manner, directly or indirectly, by the use of money or any other consideration, seek to influence your political action on election day or at any other time during the campaign?—A. No, sir.

19. Q. And did you vote for Judge Mason of your own free will and volition?—A. Yes, sir.

20. Q. Did you see Mr. Dart and Mr. Rowland at the polls that day?—A. Saw Mr. Dart.



21. Q. What was he doing?—A. Stood at foot of the stairs peddling ballots.

22. Q. In the interests of Mr. Duffy and the Greenback ticket?—A. I supposed so.

23. Q. Had you known him to be intensely zealous and earnest in his advocacy of that ticket before the election?—A. I had heard that he was.

24. Q. Did you have a conversation with him on the night before election?—A. I have no recollection.

25. Q. Where were you on the night before election?—A. I don't remember. I can't say whether I was in town or not.

26. Q. Did you say to Mr. Dart on the night before the election that you would not vote for Judge Mason for any consideration?—A. I don't think I did.

27. Q. Did you have any conversation with Mr. Dart on the day of election?—A. No, sir.

28. Q. When you came to the polls did he offer you a Duffy vote or approach you in any way with reference to your giving your vote to Mr. Duffy?—A. No, sir; I don't think he did.

29. Q. How long were you at the polls and at what time of day?—A. In afternoon, and not at polls long; was out and in.

30. Q. Were you at the Eagle Hotel on the evening of election day?—A. Yes, sir.

31. Q. Did you see Mr. Rowland and Dart there?—A. Yes, sir.

32. Q. Did you also see Mr. Wickwire?—A. Yes, sir.

33. Q. What time in the evening was that?—A. I can't say; I was out and in several times; perhaps 10 o'clock when I saw Rowland and Dart; would not be positive.

34. Q. Did you know of their leaving the hotel for home?—A. No; I don't.

35. Q. How late did you remain at Eagle?—A. Perhaps 11 o'clock, or thereabouts.

36. Q. Were there many at the hotel?—A. Early in the evening there was a good many; later there was but few.

37. Q. This gathering at the hotel was not confined to any particular party, I suppose, but was a promiscuous gathering to learn the result of the election?—A. I suppose so.

38. Q. What was the tenor of the conversation there regarding the Greenback vote; if any?—A. I don't remember.

39. Q. Was there not more or less merriment and many jocular expressions indulged in with reference to the very small vote that day cast by the Greenbackers?—A. I don't know as there was; I think something was said about the judge of the court of appeals getting so few votes. Some were surprised that he did not get more.

40. Q. And were not those remarks more particularly aimed at Dart and Rowland?—A. I think some of those remarks were aimed at them.

41. Q. In what kind of spirit, if you noticed, did they receive them?—A. Mr. Rowland seemed very blue, downcast; Mr. Dart did not say much.

42. Q. Did you have any conversation with Dart there at the hotel with reference to the election?—A. I don't know as I did particularly with Dart; I was talking to the crowd.

43. Q. And what was the nature of that conversation?—A. Politics.

44. Q. And did others also engage in that conversation?—A. Yes, sir.

45. Q. Did you hear Mr. Wickwire while there speak with reference to the elections ?—A. Yes, sir.

46. Q. As you understood, he was a Democrat, but had given his support to Judge Mason, and was now with Judge Mason's friends, as you understood, pleased at the favorable reports coming in ?—A. Yes. I understood he was pleased with Mr. Mason's election.

47. Q. Did you know of his having or undertaken to read some dispatches from Oswego ?—A. I think I was in there when he brought in one dispatch.

48. Q. And did they have difficulty in making it out in reading it ?—A. Yes, sir.

49. Q. While there did you hear Wickwire say anything to the effect that Judge Mason did not go to Oswego for nothing ?—A. I don't think I did.

50. Q. You have no recollection of any such conversation ?—A. No, sir.

51. Q. Did you have any conversation at the hotel that night with reference to how you came to vote for Judge Mason ?—A. No, sir.

52. Q. Did you say to him on Tuesday night after election, and while talking with reference to your voting for Judge Mason, or at any other time while at the hotel, every man has his price; some \$5, some \$10, and I don't say but that I have my price.

(Objected to upon the ground that it is not competent except upon contradiction, and Mr. Dart cannot be contradicted upon that point by contestee, for the reason that he was upon that, as well upon most material subjects, a witness for contestee. Objection overruled. Scranton dissents.)

A. I think I stated to him during the evening that every man has his price, but not in connection with voting at the polls.

53. Q. Did you say that while Dart was talking to you with reference to your having changed your vote ?—A. No, sir.

54. Q. You may now state, if you please, how and in what manner that question arose on that occasion.—A. It arose on a conversation we had about one Winans, who was reported to have sold his vote for \$60,000 while he was assemblyman.

55. Q. And Dart, and you, and others were talking about that transaction ?—A. I can't say Mr. Dart was; others were.

56. Q. You may name some of those engaged in the conversation ?—A. I think Mr. Peter Hand, James Hopkins, Mr. Dart, Mr. Rowland, George Bradley, and others I cannot recollect.

57. Q. Had that remark of yours any relation to occurrences arising at the polls in Hamilton that day ?—A. No, sir; none at all.

Cross-examination by S. D. WHITE:

58. Q. Were you in town nearly every day for several weeks prior to election ?—A. Yes, sir.

59. Q. Were you, as a Republican, pleased with the nomination of Mr. Mason ?—A. It suited very well.

60. Q. Were you as well pleased as you would have been with the nomination of some others ?—A. I would have preferred some others.

61. Q. Did you say just before election in this village that he was a heavy load for the Republican party to carry, or words to that effect ?—A. I have no recollection of it.

62. Q. Would you say you did not ?—A. No.

63. Q. Did you not so think, and are you not very apt to say what you do think ?—A. I thought so from what I had heard. I am apt to say what I think.

64. Q. And the greater share of your conversation while in the village relates to political subjects, does it not?—A. A great deal of it does in a political campaign.

65. Q. Was it not quite common for men during the campaign to make the remark that they were surprised at the extent of Mr. Mason's unpopularity?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I don't know that I ever heard any one express surprise at his unpopularity.

66. Q. You have stated that you thought him a heavy load for the Republican party to carry; what made you think so?—A. From reports of his unpopularity.

67. Q. Reports as to what?—A. Reports as to his unpopularity from hearing that Republicans would not vote for him.

68. Q. Did such reports come from various parts of this county?—A. I think not.

69. Q. From what parts did they come?—A. I heard he was unpopular in Lebanon and in Madison, and somewhat in this town.

70. Q. On what grounds did you hear he was unpopular here?—A. No particular grounds.

71. Q. Did you not hear it stated that he was unpopular in Lebanon from the fact, among others, as they alleged, that he had wronged the town of the Felt bequest of \$100,000, or thereabouts?—A. I heard it said that he would lose some votes in consequence of being counsel in the Felt will case.

72. Q. You having answered thus. Now I ask you, have you not heard it stated many times during the last several years that he and one Leonard Pierce purchased the interest of the heirs of the Felt estate, and did you not understand that the people, or some of them, of the town of Lebanon, on account of his connection with that estate—

(Objected to; incompetent and not admissible under the contestant's notice of contest, and is irrelevant. Objection sustained. Scranton dissents.)

A. I never understood that he and Leonard Pierce purchased the interest of the Felt heirs. Knew there was some Republicans who would not vote for him on the account of his connection with it.

73. Q. What was the trouble with the Republicans of the town of Madison?—A. I never heard the cause. I understood there was a good many Republicans who were dissatisfied.

74. Q. On what ground was he unpopular in this town?—A. I don't know.

75. Q. Did you not hear statements made why individuals would not vote for him?—A. Don't think I did; have not any recollection of it.

76. Q. Is this C. M. Wickwire, of whom you have spoken, in this town now?—A. Yes, sir.

77. Q. Do you know of any reason why contestee does not call him as to what he said at Eagle Hotel that night?—A. I do not.

78. Q. Do you profess to know all he said that night to Mr. Dart or Mr. Rowland?—A. No, sir.

79. Q. The Democrats and Greenbackers had their headquarters at Eagle Hotel, and Republicans at Park House?—A. Yes, sir.

80. Q. And you were to and from the respective hotels?—A. Yes, sir; once or twice at Eagle; won't undertake to say how many times.

81. Q. Principally, you were at Park House?—A. Most of the time, I think.

82. Q. Wickwire, as you understood, carried the telegrams from tele-

graph office to the Eagle Hotel?—A. Yes. I think he brought in one while I was there.

83. Q. Did you see him there, as you remember, on more than one occasion?—A. Don't think I did.

84. Q. And that was when he brought in this dispatch?—A. Yes, sir.

85. Q. Do you remember of hearing any conversation between him and Rowland and Dart?—A. I have no recollection as to who it was with.

86. Q. When you heard him talking, if at all, then you say Mr. Dart and Rowland were present?—A. I think they were; can't say positively.

87. Q. Did you hear him say anything about Mason's going to Oswego?—A. I don't recollect of hearing him say anything about it.

88. Q. Even in that conversation, would you say he did not?—A. No.

89. Q. Have you any reason to doubt but that he had other conversations there that evening which you did not hear?—A. I have no reason to doubt it.

90. Q. Is it not your experience that evidence as to what a person did hear and remember is of much more importance and strength than that which any other party did not hear or remember?—A. Yes.

91. Q. Did you hear rumors and charges made that night of the use of money?—A. I don't think I did.

92. Q. Will you swear you did not?—A. No. I have no recollection as to whether I heard it or not.

93. Q. What brought up the subject of the selling of votes?—A. I don't recollect that subject was brought up.

94. Q. Was not the charge against Winans of the sale of his vote in the legislature talked of?—A. Yes; that was brought up.

95. Q. What had that to do with the subject of this election if the purchase and sale of votes was not talked of?—A. That did not have anything to do with this election.

96. Q. Who brought up the subject of the purchase and sale of Winans?—A. I think I brought it up.

97. Q. If the proceedings of that day's work did not make you think of the purchase and sale of the Winans vote, what did?—A. The discussion we had.

98. Q. State who participated in that discussion.—A. I can't say. I think there was several who replied to it.

99. Q. You have said there was a discussion. State what was said by the parties to it.—A. Don't know as it was much of a discussion. I did most of the talking.

100. Q. State all that was said by each and all participating in the conversation, as near as you can.—A. I could not begin to do it.

101. Q. Can you state any of it?—A. I can state what I said.

102. Q. State, then, what you said.—A. I was speaking of the report that Winans sold his vote for \$60,000; that almost every man had his price, and that if you offered him enough you would get him.

103. Q. I assume that something made you think of Winans's sale of his vote or you would not have spoken of it?—A. O, yes, sir.

104. Q. If it was not what had transpired that day that made you think of it, please state what did.—A. Some one made the remark that the moneyed interests and large corporations were opposed to the Greenback party, and I took the ground if that was the case that they could never succeed, and brought this Winans case up to show that money would buy men in legislative bodies.

105. Q. Will you say that some of the persons whom you have named did not in that conversation charge that money had been used in the

interest of Mason, either by himself or by the moneyed institutions of the district?—A. I think I can say it was not so in that conversation.

106. Q. Can you, and will and do you, swear there was not?—A. I will swear that I think there was not.

107. Q. Will you swear there was not?—A. I can't give any other answer.

108. Q. Are you able to state positively that there was not?—A. I think I am.

109. Q. I can think you are and others may think you can. The question is not as to what you think, not as to what you guess, but are you positive of that fact; please answer yes or no.—A. My best recollections are that no such charge was made.

110. Q. I am not asking about your best recollections.—A. That is all I can answer. I can't swear positively that the charge was not made.

111. Q. You know Mr. Dart, do you?—A. Yes, sir.

112. Q. Be honest, now, and tell me how long you have known him.—A. I can't tell; a good while; probably ten years or more.

113. Q. For many years he kept a livery in this village, did he not?—A. I have no recollection of it.

114. Q. Whenever you have met him, have you had such an acquaintance with him that you have conversed with him?—A. Yes, sir.

115. Q. I understood you to say upon direct examination that you do not remember whether you saw and conversed with him the evening before election or not; did you so state?—A. Yes.

116. Q. I understood you upon your direct as not being positive whether you did or did not say to him on that evening that you would not vote for Mason. Am I right?—A. I think I said I had no recollection of it.

117. Q. Will you now swear positively that you did not state that you could or would not vote for him?—A. I think I will state positively that I did not say I would not vote for him.

118. Q. Will you and do you? Yes or no.—A. I will not swear positively that I did not.

119. Q. Did you on that evening intend to vote for him?—A. Yes, sir.

120. Q. How, then, is it possible that you stated that you could not and would not vote for him. Do you, upon as important matters as that, ever state things which you do not mean?

(Question waived.)

121. Q. If you were intending to vote for him, as you state, the remark that you could and would not, if you made it, could not have been serious, could it?—A. O, no.

122. Q. In other words, if you did make it, and you will not swear but that you did, you were joking, were you?—A. I was.

123. Q. Were you in the habit of joking in that way upon important matters like that with persons with whom you were no better acquainted than you state you were with Dart?—A. No, sir; I am not.

124. Q. Could it be possible that you thus joked with him?—A. I don't think it could.

125. Q. Why, then, do you swear that you cannot swear positively that you did not thus state to Dart?—A. I can't answer that question.

126. Q. As to election-night, Mr. Dart says he talked with you as to the reason of your change; is that true, or is it not?—A. It is not true.

127. Q. If you did thus tell Mr. Dart the evening before election and then had voted for Mason, in his presence, it would naturally have been a surprise to him, would it not?

(Objected to; incompetent. Witness can't state what would be a surprise to Mr. Dart. Objection sustained.)

128. Q. Such an occurrence on the part of any one else would have surprised you, would it not, for which you would have been likely to have made inquiry as to the cause?

(Objection; irrelevant; assuming a state of facts not proven. Objection overruled.)

A. Very likely.

129. Q. Do you regard Mr. Dart as a person of intelligence and good character?

(Objected to; that the evidence given by Dart, or Dart's truthfulness, cannot be sustained until attacked.

Objection sustained; Scranton dissents.)

A. Yes.

130. Q. Mr. Dart says that you used the terms \$5 and \$10, instead of the words \$60,000; do you think it possible that you can be mistaken in the sums named?—A. No.

131. Q. You have said that you said no such thing to Dart; do you now say you said no such thing in the presence or hearing of both Mr. Dart and Mr. Rowland as that? Every man has his price; some \$5, some \$10; and you did not deny but that you had your price?—A. I said no such thing in connection with voting at the polls.

132. Q. Do you swear positively that you said no such thing?—A. Yes, sir.

133. Q. Did you say there that evening that "I don't deny but that I have my price"?—A. Yes; I think I did.

134. Q. What did you mean by that?—A. I meant that I had a price, and if I could get it I would sell.

135. Q. You mean you would sell if there was a purchaser?—A. Yes; if the price was large enough.

136. Q. Have you any doubts but there were purchasers here on the day of election?—A. I do have some doubts about it.

137. Q. Not very strong doubts, have you?—A. Yes; I have had some strong doubts.

138. Q. Did you see Mr. Cushman that day?—A. I think I did; yes, sir.

139. Q. You have said, I think, that you meant you would sell if you found a purchaser and could get your price; did you mean by that you would sell your vote?—A. I meant if I was tempted sufficiently I would sell my vote.

140. Q. How great or strong a temptation would it have required to have purchased your vote on last election-day?—A. I think \$60,000 would have bought it quick.

141. Q. If \$60,000 would have bought it quick, how long would it have taken \$10 to have bought it?—A. It would have taken a great while.

142. Q. You say it would have taken a great while. The tribunal that is to read this evidence, and not knowing you or your incorruptibility, I think would desire to know what you mean by a long time, whether five minutes or twenty.

(Objected to as immaterial and trifling, and only put to consume time and annoy the witness. Objection sustained.)

143. Q. You say you must have been joking. Have you heard of one Sam. Burchard, of Oswego?—A. I have heard of him.

144. Q. Have you heard of him as the champion joker of Oswego?—A. No.

145. Q. Do you know Charles Mason, of Utica ?—A. Yes, sir.

146. Q. Do you understand that for the last year he has been clerk of the circuit court of the northern district of New York ?

(Objected to as immaterial. Objection sustained.)

147. Q. When did you first hear that the Kelloway boys had become Mason men ?—A. Have no recollection of ever hearing it. I had understood early that Charles was a Greenbacker, but knew nothing as to the others.

148. Q. Do you understand that the negro Hollingsworth is in town ?—A. I understand so.

149. Q. Do you know any reason why the contestee cannot present Hollingsworth as a witness ?—A. I do not.

150. Q. Is Mr. Cushman still a resident of this town ?—A. Yes, sir.

151. Q. Know of any reason why he could not be produced as a witness by contestee ?—A. No, sir.

152. Q. You understand him to be in the interest of Mr. Mason in this contest ?—A. Yes.

153. Q. You understand he went to Washington with him, did he not ?—A. Yes.

154. Q. Did you write that article in the Democratic Union, stating that Mason had gone to Washington and Cushman with him, and it was expected that Hollingsworth would soon follow ?

(Objected to as frivolous, trifling with the subject of this contest, and assuming that an article has been written without proof of the fact. Objection sustained.)

155. Q. There having been no evidence offered by contestant tending to show that Hollingsworth was not a voter at Hamilton, November 5, and he having sworn on that occasion that he was a voter, do you know of any reason why contestee should subpœna Hollingsworth or compel his attendance here ?—A. No, sir.

Adjourned for tea at 5.30 p. m. until 7.30 p. m.

The examination of JOHN Y. BONNEY resumed at 7.30 p. m.

156. Q. Hollingsworth having been adjudged a voter on election day, and no evidence having been given affecting the determination of the board, and there having been no evidence produced impeaching the acts of Mr. Cushman, can you conceive of any reason for calling him in connection therewith ?—A. No, sir.

157. Q. Mr. Hollingsworth, as you understand, is employed, and has been constantly employed since last fall, in Mr. Wade's barber shop, adjoining the office of Counsellor White, has he not ?—A. Yes, sir.

158. Q. And did you know of Counsellor White having received his last shave from Hollingsworth yesterday morning at 9.15 ?—A. No, sir.

159. Q. You have heard, have you not, that Hollingsworth after his arrest fell under the influence and special guardianship of White, did you not ?—A. I have heard of his having him in his office.

160. Q. I understand you to say that on the evening after election, at the hotel some one was complaining that the large corporations and moneyed interests of the State was arrayed against the Greenback party. I take it that that complaining party was a Greenbacker, was he not ?—A. I cannot say as to who it was.

161. Q. Was not that a staple article with the Greenbackers before the election, and did they not predict that if they were defeated in the election that that defeat would be due to the use of money and a subsidized press ?—A. I think I have heard some of them say that if they were defeated it would be by the use of money.

162. Q. And did not they direct their especial denunciations against the banks and moneyed institutions, and appeal to the laboring classes to oppose those institutions, assail the present banking system, calling them monopolies and charging them with oppressing labor and as being detrimental to the debtor class?—A. I think that the Greenback press did.

163. Q. During the campaign did you come in contact with local advocates of Greenback inflation and converse with them on the subject of their party principles here in Hamilton?—A. No, sir.

164. Q. How soon after the election did you hear it charged by Dart and Rowland, or either of them, that money had been used in behalf of Judge Mason?—A. I did not hear it charged by either of them.

165. Q. How soon after the election did you hear of such rumors?—A. I guess the next day.

166. Q. And did you not hear it as readily denied by Judge Mason and his friends?—A. Yes, sir.

167. Q. To what do you attribute those rumors?—A. I don't know as I can attribute them to anything.

168. Q. You have heard of such rumors in former political contests, have you not?—A. Yes, sir.

169. Q. Is it not true that hotly contested elections are fruitful of such charges perferred by the defeated partisans as a convenient excuse in your judgment for the result of the election?—A. I think so.

170. Q. Have you reason to believe that these rumors so set afloat were founded on fact, and have you reason to believe money was used corruptly to effect the election in Hamilton?—A. I have no reason to believe that there was any money used.

171. Q. Did you hear Mr. Duffy's speech?—A. Yes, sir.

172. Q. I learn from the people of Hamilton that that was a remarkable effort?—A. We used to say so.

173. Q. In your judgment what was the effect of that speech here?—A. I think it damaged him here.

174. Q. And very shortly before the election Governor Boutwell, of Massachusetts, spoke here upon the financial issue?—A. Yes, sir.

175. Q. You listen to his speech?—A. Yes, sir.

176. Q. And his speech was devoted, as well as Mr. Duffy's, mainly to discuss the financial issues?—A. Yes, sir.

177. Q. What was the effect, in your judgment, of Mr. Boutwell's speech?—A. It had a good effect and I think strengthened Mr. Mason.

178. Q. You spoke of Charles Kelloway and of a rumor early in the campaign was inclined to support the Greenback party. Did you hear anything of that kind after Mr. Duffy made his speech?—A. Did not hear anything about it afterward.

179. Q. Did you not know or hear it spoken of in Hamilton that Kelloway left the hall while Mr. Duffy was speaking, and declared his opposition to Mr. Duffy that very night?—A. I have no recollection of hearing that he did.

180. Q. Charles Kelloway had always been an active Republican?—A. I understood him as such.

181. Q. You knew that there were some Republicans, you say, who were dissatisfied with the nomination of Judge Mason. Were there not rival candidates for that office in this county?—A. Yes, sir. I think there was two candidates in this district.

• 182. Q. You may name them.—A. Judge Mason and Harry Barclay.

183. Q. How far does Mr. Barclay reside from Hamilton?—A. At Morrisville, 8 miles distant.



184. Q. And Mr. Barclay was a prominent active young attorney, was he not?—A. I understood him to be.

185. Q. And Mr. Barclay put forth an earnest effort, as you understood, to secure that nomination, did he not?—A. I understood so.

186. Q. Did you think it strange that Mr. Barclay should have some friends in Hamilton as well as Judge Mason?—A. O, no.

187. Q. And did you think it strange that those friends of Mr. Barclay should prefer his nomination to that of Mr. Mason?—A. No, sir.

188. Q. And do you regard it as at all strange or unusual that Judge Mason, like other attorneys, should be met with some measure of coldness growing out of an extensive practice at law in cases where the rights of his client came in collision with the rights of other persons?—A. No, sir.

189. Q. I understand you to say that in a single case involving a very large sum in the town of Lebanon considerable local feeling was the result; and that you understood before the election that that feeling was so great that it reached Republican circles in that town and was likely to lessen Judge Mason's vote?—A. Yes, sir; I so understood.

190. Q. Judge Mason, as you understood, was counsel in that case and the town of Lebanon the opposing party?—A. I understood so.

191. Q. And Judge Mason, you understood, or the party whom he represented, was successful in that case?—A. Yes, sir.

192. Q. Is it not a fact that in all such cases, as a rule, there is a corresponding gain upon the opposite side, and that attorneys by reason of their relations with their clients originate gains as well as losses?—A. I can't say.

Recross-examination by S. D. WHITE:

193. Q. Will you name some persons who participated in the Duffy meeting?—A. Mr. Keith. I don't know of others.

194. Q. I understood you to say you thought that speech injured him. Have you heard it stated who advised him as to the character of the speech he should make?—A. Can't say I have.

195. Q. When you said you had no reason to believe that money had been used, is this not all you intended to say: That you saw no money used?—A. Yes; that is what I meant to say.

196. Q. You say that Mason and his friends readily denied the charge of the use of money. Now, is it not your judgment, founded upon observation, that the man who will improperly use money to buy an elector will, when charged with it, readily deny it? And is it not also your experience as a rule that a man charged with any crime pleads not guilty?—A. Yes.

197. Q. Is your own case an exception to the rule when you deny the truth of Dart's evidence?

(Objected to as immaterial, frivolous, and not treating the witness with fairness. Question withdrawn.)

198. Q. That being the rule, does the fact of the denial of Mason and his friends tend to make you believe that the charges are not true?—A. Yes, sir.

199. Q. Are Mason and his friends special exceptions to the rule?—A. No.

200. Q. You say that Mr. Barclay was a candidate, do you?—A. I understood he was.

201. Q. The names of C. L. Kennedy, Dr. Holmes, Milton DeLano, and others have been spoken of in this investigation as members of a corrupt and dangerous ring of Madison County politicians, and the witness,

Van Slyck, refused to name the others, because it would be derogatory to their character, and was not in the issue. Now state, do you understand that said Kennedy, DeLano, and Holmes, each and all, supported Judge Mason for Congress?

(Objected to that the preamble to this question is not sustained by the facts, and is only the invention of Counsellor White; that the answer called for is wholly immaterial and irrelevant to the issue in this case, and that counsel is trifling with the rights of contestee in using up time. Objection sustained; Scranton dissents.)

A. I suppose they did. I don't understand anything about it.

202. Q. Did you hear or see Judge Mason laugh when talking about how quick Watts made the negro vote?—A. No, sir.

203. Q. Then I assume that you were either not present at the time, or else you were not noticing him.

(Objected to, that the assumptions of Counsellor White are not evidence in this case. Question immaterial, incompetent, and trifling. Objection sustained.)

JOHN BANNEY.

Sworn and subscribed to March 27, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, New York.*

Examination resumed at 9 a. m. March 29, 1879.

*Deposition of Allen N. Enos.*

ALLEN N. ENOS sworn, testifies as follows:

1. Question. Where do you reside?—Answer. In town of Hamilton.  
2. Q. Were you present on election day, and did you vote at the village of Hamilton?—A. Yes.

3. Q. Do you know Geo. Beal?—A. Yes, sir.

4. Q. Did you see him on election day and converse with him?—A. I think not.

5. Q. Did you say to him on election day that money was being used in the interest of Judge Mason to affect the result of the election, or words to that effect?—A. No, sir.

6. Q. You was a Democrat, I believe, or a Greenbacker, which?—A. A Democrat.

7. Q. Do you know John C. Kennedy?—A. Yes, sir.

8. Q. Where is he, if you know or understand?—A. I don't know. Think in Brooklyn. Am not positive.

9. Q. And has been how long?—A. I think he has been there three months.

10. Q. Have you heard rumors since election of payment of money, or promise made of money or other things, by Judge Mason, or his friends in his interest, on the day of the last election? and if so, state what you heard.—A. I have heard rumors, but they passed in at one ear and out the other.

11. Q. What have you heard said in relation to a shanty down near the railroad, and who did you hear say it?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I can't remember what I have heard. I think Murray said in our house if it had not been for Judge Mason he would not have been here now; that he would have been in Kansas; but they promised to help him build this shanty if he would stay till after election; that he would not vote the Republican ticket again; that he had been to Mason's office for

help and Mason had put him off, saying that he was too busy to attend to him then.

12. Q. When did he say he went to Mason's office for help?—A. After election.

13. Q. Do you know Washington Brown?—A. I do.

14. Q. Is he a Republican?—A. He is.

15. Q. What have you heard Mr. Brown say?—A. Not anything.

16. Q. Will you say you did not see Geo. Beal at the polls that day?—A. I will not say I did not, but I think I did not except at the polls.

17. Q. The shanty was not erected until after election, was it?—A. It was not.

18. Q. This man was around begging for help, was he?—A. Yes.

19. Q. Did he claim to be destitute, and that he had been to see Mason three or four times, and Mason told him he was busy and could not attend to it?—A. That is what my father told me Mr. Murray told him.

Cross-examination :

20. Q. What was this gentleman's name of whom you speak?—A. Mr. Murray.

21. Q. I do not understand from what you have said that you ever spoke with Murray upon the subject?—A. No, sir; I did not.

22. Q. Then you don't know of your own knowledge that Murray has ever said anything about the shanty or the election, do you?—A. No, sir.

23. Q. Mr. Murray has always voted the Republican ticket since he came to Hamilton, has he not?—A. I do not know.

24. Q. You understand him to be excessively poor, do you not, and that he talked of going to Kansas to better his condition?—A. I understand that he is very poor, but as for his going to Kansas to better his condition I do not know.

25. Q. Did you ever hear Murray say anything about going to Kansas at all?—A. I did not.

26. Q. Then you do not know of your own knowledge that he contemplated going to Kansas?—A. No, sir.

27. Q. This Mr. Murray circulated a petition last fall and asked the charitable assistance of the citizens of Hamilton to aid him in the erection of his shanty, did he not?—A. I do not know. I saw no petition in his behalf.

28. Q. Were you so advised or informed at the time?—A. No, sir.

29. Q. Don't you know that my friend Keith and many other citizens who were in the support of Mr. Duffy as well as those that were supporting Mr. Mason, and without regard to party or to politics, possibly including Counselor White, contributed to the erection of that shanty?—A. No, sir.

30. Q. Have you not so heard it reported?—A. No, sir.

31. Q. Where do you understand Murray got means with which to erect the shanty?—A. I do not know. I have never heard.

32. Q. Did you not hear that these visits of Murray to Judge Mason's office were occasions when Murray went there with his petition soliciting money by subscription to aid him in erecting his shanty?—A. No, sir; I did not.

33. Q. Can you say that that was not the case?—A. No, sir; I cannot.

34. Q. Did you ever hear it charged that Judge Mason had used money or other corrupt means wherewith to influence Murray in the casting of his vote?—A. No, sir; I don't know as I did, only as I have above stated.

35. Q. And what was there, sir, in what you have given which, in your judgment, amounts to a crime against the election law?—A. I understand election law to be that no one shall influence another in any way to vote, except by argument.

36. Q. And do you regard that as an answer to my question?—A. I should say so.

37. Q. I will repeat the question to which you regard that as an answer. What was there in that which you have given which, in your judgment, amounts to a crime against the election law?—A. I am no lawyer, therefore do not understand as there was anything.

38. Q. If you were a lawyer as astute and cunning as my friend White, think you that even then you would be able to find a criminal violation of the election law in the story of Murray as it came to you?—A. I cannot say.

39. Q. Did you converse with Counselor White on the subject before taking the stand?—A. Not on the subject of the election.

40. Q. You say that you think that Murray said something of this in your house; what makes you think that?—A. In my father's house, as we all live in the same house; my father told me so.

41. Q. Did your father say who it was that promised to help Murray and to whom Murray referred when he said they promised?—A. I can't say; I don't know.

42. Q. Then you can't say but he had reference to his (Murray's) friends, can you?—A. I can't say so; I don't know.

43. Q. Is not that in fact the impression which you obtained that Murray expected his friends to assist him and that Judge Mason was one of them?—A. I don't know that I ever had formed an impression.

44. Q. Is not that the reasonable and fair inference in your judgment?—A. I should say it was.

45. Q. And was there anything in the conversation which excluded from your mind the assistance of Murray's friends in the Democratic and Greenback parties equally with the Republican?—A. No, sir.

46. Q. Then I take it you attached very little importance to the sayings of Murray as you understood them; in fact you said, I believe, that you let it all go in one ear and out the other, did you not?—A. I did say I let it go in one ear and out the other.

47. Q. What did you mean by that expression save that it was of no importance, in your judgment, not worthy to be treasured?—A. Because that I cared nothing about it, one way or the other.

48. Q. And what was there about it that you should not care anything about it?—A. Because I have business enough of my own without paying any attention to other people's.

49. Q. If it went in one ear and out the other with such indifference, I take it that very little of it remains there at this time?—A. I hope not.

50. Q. That is a fact, is it not?—A. I have to remember some things I hear.

51. Q. Do you pretend to say you remember this conversation, that you can give it word for word as you received it from your father?—A. I don't know that I can.

52. Q. Don't you know that you cannot?—A. I don't know, but think I cannot.

53. Q. Your father is not a warm friend of Judge Mason, I believe?—A. He is for all that I know.

54. Q. Is he not a partisan of Mr. Duffy's, and did he not support him?—A. I do not know.

55. Q. Never heard him say?—A. I do not know that I ever did.
56. Q. Have you any reason to believe that he voted for Judge Mason?—A. No, sir.
57. Q. Have you never heard or known or had reason to believe that there was a personal feeling long existing between your father and Judge Mason?—A. No, sir.
58. Q. Between any member of your family and Judge Mason?—A. No, sir.
59. Q. What is your father's politics?—A. He is a Democrat.
60. Q. You yourself don't feel very friendly toward Judge Mason, do you?—A. I have nothing against the man personally.
61. Q. Why do you say personally?—A. I mean in no way.
62. Q. Do you regard yourself to-day as one of his friends?—A. I do not know what you mean, whether a personal or political friend.
63. Q. Are you either; and, if so, which?—A. I am personally.
64. Q. Do you know anything against Judge Mason or any reason why you should not be his political friend as well as a personal friend?—A. He and I do not see alike in political matters.
65. Q. Then I take it that you are most favorable to Mr. Duffy?—A. You can take it as you are a mind to.
66. Q. It has been taken in that way. Is that correct?—A. I voted for Mr. Duffy, if that is what you are trying to get at.
67. Q. And you voted for him because he was your preference, did you not?—A. He was my preference in political matters, of course.
68. Q. Why do you say of course, when you are a Democrat and he a Greenbacker?—A. I have understood Mr. Duffy was always a Democrat.
69. Q. But you knew that he was the Greenback candidate and heard him make his famous speech on that subject, did you not?—A. I did not hear his speech.
70. Q. Now, sir, don't you understand that Mr. Murray went generally among the business men of Hamilton for assistance or for help?—A. No, sir; I did not so understand.
71. Q. Will you swear that he did not?—A. No, sir; I will not.
72. Q. I understand you to say that they promised to help him build his shanty if he would stay until after election. What did you understand he would want of the shanty after election if he went to Kansas, or did you understand that he gave up going to Kansas and concluded to remain in Hamilton?—A. I understood that he intended to remain in Hamilton and gave up the idea of going to Kansas.
73. Q. Did you think there was anything wrong in the fact any one in Hamilton should induce Mr. Murray to abandon the idea of going to Kansas and to continue his residence in Hamilton?—A. I did not.
74. Q. Mr. Murray was carrying on the dyeing business, was he not, here in Hamilton?—A. Yes; I think he was.
75. Q. Did you speak with George Beal at the polls on election-day?—A. I do not remember, but I think not.
76. Q. Did you see any indication of the use of money on election-day?—A. No, sir.
77. Q. Have you heard any one say who was working in the interest of the Democratic ticket, or do you know of any such from report who received money for services at the polls?

ALLAN N. ENOS.

Sworn and subscribed March 29, 1879.

CHAS. W. UNDERHILL,  
Notary Public for Madison County, New York.

*Deposition of E. D. Sherril.*

MARCH 29, 1879.

EDWIN D. SHERRIL sworn, testifies as follows :

1. Q. Where do you reside ?—A. In town of Madison, this county.
2. Q. How far from the village of Hamilton ?—A. One mile.
3. Q. What is your business ?—A. A farmer.
4. Q. And what is your politics ?—A. A Republican.
5. Q. Your age ?—A. Thirty-two years.
6. Q. Do you know Thaddeus Leonard ?—A. I do.
7. Q. What business was he engaged in last summer and fall ?—A. Working for the State, on the feeders and reservoirs.
8. Q. And were you also employed there in any way ?—A. I was.
9. Q. When did you commence working there ?—A. In the fall ; I don't know the date. I think October.
10. Q. How long did you work there ?—A. Eleven days.
11. Q. Who did you favor for Representative in Congress ?—A. Judge Mason.
12. Q. Who did Mr. Leonard, as you understand, favor for the same office ?—A. Mr. Duffy.
13. Q. Was Mr. Leonard the superintendent or foreman of this work ?—A. He was foreman.
14. Q. How many men were employed in Madison County on that canal feeder, &c. ?—A. I don't know ; about seven or eight teams and as many men, or more.
15. Q. Did you have a conversation with Mr. Leonard with reference to the campaign shortly before you left employment under him ?—A. I did.
16. Q. You may give that conversation.—A. He was on the bank of the reservoir where we were unloading stone. After I got unloaded I asked him how long this job would last. He said, " I am not going to keep but two teams after to-night." I says, " I suppose I am one of the two." He said, " No." I asked him if he did not agree to keep me right straight along. He said he did not remember that he did ; he said, " Your politics are not right," and I told him that I understood that I was to be kept right along. He said, " I don't think I made you any such promise, and I could not do it any way. I can't cut my own head off to help some one else." He said, " When you come to vote at election you will vote right against me, and that will kill me." I said, " All right, one job would not change my vote." When I came with the last load he said he did not want me any more, and so I left. When I was coming back I met Mr. Kern coming with his last load, and I told him he had got through his job, as he did not vote the right ticket.
17. Q. Was Mr. Kern discharged that night ?—A. He was.
18. Q. What were his politics ?—A. Republican.
19. Q. And did you know of a Republican on that work who was not discharged, and who voted the Republican ticket ?—A. Yes, sir. I think he voted the Republican ticket. I mean Mr. Leonard's father.
20. Q. And what had been Foreman Leonard's politics up to the time of his appointment ?—A. He used to be a Republican. I don't know how long ago.
21. Q. Do you know how many miles of this canal, or about how many, lie in the county of Madison ?—A. About twelve miles.
22. Q. And you understand also that the Erie Canal for many miles extends through the county of Madison ?—A. Yes, sir.
23. Q. And also the Oswego Canal, a branch of the Erie, extends through the county of Oswego.

24 Q. You do not know, I suppose, the large aggregate of voters employed along the line of those canals within the counties of Madison and Oswego shortly before and at the time of the last general election?—A. No, sir.

25 Q. Did you learn from Thaddeus Leonard what power it was behind the throne that caused him to apprehend that harm might come to him should Republicans be longer kept in employment on the canal?—A. No, sir.

26 Q. Did you, at the time, form an opinion as to the cause of that apprehension and from whence it came?—A. Yes, sir.

27 Q. You may state that opinion and with what you may know with reference to it.

(Objected to as to the part that relates to an opinion. Objection sustained.)

28 Q. Aside from these teams and teamsters, did you know of laborers employed to work on the dam under Mr. Leonard?—A. Yes.

29 Q. How many men were employed there?—A. About ten.

30 Q. Did you at the same time that you were talking with Leonard with reference to the teamsters and your dismissal from service, hear him say any thing with reference to those men?—A. Yes, sir.

31 Q. You may state what he then said with reference to men at work upon the dam?—A. He said, "there is but one Republican there, and that is the old man," and pointed towards his father.

32 Q. Do you know how Thaddeus Leonard's father voted on Congress last fall?—A. No, sir.

33 Q. Did you know of any new men having been brought on to the job after you left?—A. Yes, sir.

34 Q. State what you know with reference to them and their politics?—A. Mr. Connell's team came on.

35 Q. What was his politics?—A. I think he was a Democrat.

36 Q. And were these men continued in employ until after the election?—A. Yes, sir.

37 Q. Did you see any of them at the polls on election-day?—A. I think I did.

38 Q. And did you see Thaddeus Leonard there?—A. Yes, sir.

39 Q. How long were you at the polls in Hamilton?—A. Three or four hours.

40 Q. What was Leonard doing, apparently?—A. I thought he was working for Duffy.

41 Q. Did you see any indication of money being in use at that election on the part of Judge Mason?—A. No, sir.

Cross-examination :

42 Q. Did you see any such indications in the interests of Mr. Duffy?—A. No, sir.

43 Q. Did you ever have any talk with Mr. Leonard upon the subject of politics other than what you have stated during the last fall's canvass?—A. I don't remember that I did.

44 Q. Did you hear him make any remarks upon the election or its candidates, except as you have stated during that campaign?—A. I don't know that I did.

45 Q. I infer, then, that he was not making any effort to convert voters, to your knowledge?—A. I should think that is what it was for; he said he had no fault to find with the work.

46 Q. I mean at other times than the one you have mentioned?—A. I don't know of his doing so at any other time.

47. Q. Did he mention Mr. Duffy's name?—A. No, sir.

48. Q. Did you hear him mention Mr. Duffy's name on election day?—A. No, sir; did not hear him speak a word on election day.

49. Q. Can you swear, then, that he was at work for Mr. Duffy or the rest of the Democratic ticket on the day of election?—A. No, sir.

50. Q. Who were present at the conversation when you were told you could not work longer?—A. I don't know as any one heard it.

51. Q. Who was near enough to have heard it, if any one, think you?—A. The men at work on the dam—Owen Andrews and one Dutchere—were the nearest.

52. Q. The conversation was loud enough so they might have heard it, was it?—A. Yes; near enough if they had stopped and listened.

53. Q. Did they stop and listen?—A. I did not notice that they did or did not.

54. Q. Who were discharged?—A. Mr. Kern, Charles Payne's team, with Arthur Eddy as driver, Fred. Bonney, jr. John Kelley's team upon the hill was discharged a day or two before.

55. Q. Do you understand that John Kelley and all of his boys are Democrats?—A. I don't know.

56. Q. No information or belief upon the subject as to what their politics are?—A. No, sir.

57. Q. An Irishman by descent, as you understand?—A. Yes.

58. Q. And he was discharged first, was he?—A. Yes. He said he should not keep him; he did not draw load enough.

59. Q. Did not say his politics did not suit him?—A. No, sir.

60. Q. It was only a few days before election that Kelley was discharged, was it?—A. It was before election—a week or so.

61. Q. And he votes in the same town that Mr. Leonard does, does he not?—A. Yes, sir.

62. Q. Did he discharge any others than those you have named?—A. I don't think of any others now.

63. Q. Did he reduce the team-help to two teams, as he said he was directed?—A. Yes, sir, for a spell.

64. Q. How long was it, or about how long was it, before he hired other teams?—A. I can't tell about how long it was. It may be two, three, or four weeks; I can't say.

65. Q. Connell had always been a Democrat, had he not?—A. I understood so.

66. Q. What other teams were employed by Mr. Leonard after Connell came?—A. John Kelley's. Whalen's team was kept drawing. Afterward Frank Reynolds came.

67. Q. Was Frank Reynolds a Republican?—A. I understood he was a Greenbacker.

68. Q. Have you always been a Republican?—A. Yes.

69. Q. And for many years well acquainted with Mr. Leonard?—A. Yes, sir.

70. Q. Has there, to your knowledge, been anything in your life or character, in relation to your voting, which would give Mr. Leonard to understand that non-employment by him would change your vote?—A. I don't know that there has.

71. Q. Did you take it from his conduct or speech that he expected that you would say, in reply, "I will vote the Democratic ticket if you will retain me"? And, if so, state what there had been between you and him which would give you such an impression.—A. I don't know that there had been anything; I don't know as he expected me to say that.

72. Q. He has not employed you since, has he?—A. No.



73. Q. Do you know that he did not think that you did not draw load enough?—A. I don't know what he thought.

74. Q. After the conversation with you he only kept one team for awhile, did he?—A. There might have been a few days he did not have but one.

75. Q. A lifelong Democrat, as you understand?—A. I suppose so.

76. Q. You have known this Mr. Kern for some years, have you not?—A. Since he lived up where he does now.

77. Q. Have you ever observed anything in his history that led you to think that he might be intimidated?—A. No.

78. Q. Have you ever observed anything in the life or conduct of any of these teamsters that you believed their votes might be changed by a few days' work upon the reservoir?—A. No.

79. Q. Were any hand laborers discharged about that time?—A. I don't know.

80. Q. Were some discharged soon after?—A. I don't know.

81. Q. Or a short time before?—A. I don't know.

Redirect examination:

82. Q. At the time of your discharge were these men whom you have spoken of working near your house or your premises?—A. They were drawing them past my house; a part of them came out of our quarry; and they were laying stone about one-half mile from my house.

83. Q. Was this work being carried on within sight of your place?—A. Yes, you could see teams unloading.

84. Q. Could you say whether the work was suspended on election day or not?—A. I should say it was a part of the day, if not all day.

85. Q. Do you know that Leonard and each man employed under him drew full pay from the State for that day?—A. I don't know.

86. Q. You may name those men, if you can, engaged upon that work on election day and prior thereto.—A. Thomas Whalen, Frank Leonard, Owen Andrus, Owen Andrus, jr., Pat Kelley, Brownell Miner, and a Dutchman, I don't know his name, and another man I don't know. There were men digging stone in the quarry.

87. Q. Those employes at work in the quarries you have not referred to before?—A. No, sir.

88. Q. Were there two of these quarries?—A. Yes, sir.

89. Q. And about how many men were employed in these two quarries shortly before and at the time of the election?—A. From five to ten, I should think. Some days more and some days less.

90. Q. And were they also under Leonard's superintendency?—A. Yes, sir.

91. Q. At the time that you was discharged, and Leonard told you that he could not keep you because you did not vote his ticket, was his manner such, and were the circumstances such, that you were satisfied that by yielding and voting his ticket you would thereby remove the impediments, and that he would have retained you in his employ, or in the employ of the State?—A. The circumstances were such that I think if I had yielded I would have been retained; don't say anything as to manner.

92. Q. What were the circumstances that impelled you to believe that you would have been retained if you had yielded, to which you have referred?—A. Because he said he was satisfied with the work.

93. Q. Is it not also a reason that when he employed you he promised to retain you to the last?—A. His language was that he would keep me right straight along.

94. Q. And were these works being carried forward on the reservoir dam and in the quarries up to and until after the election?

Recross:

95. Q. Were all the laborers employed in the quarries Democrats?—A. I think they were; I don't know as to all.

96. Q. Have you any other grievance against Mr. Leonard or the State of New York?—A. I have none against either.

97. Q. Do you understand that Mr. Baber, of this place, is an officer who has some charge of the reservoirs or feeders?—A. Yes.

98. Q. And has for past year?—A. Yes.

99. Q. And do you understand that he was a warm supporter of Judge Mason during last campaign?—A. I don't know.

100. Q. And still retains his position, does he not?—A. I suppose he does.

E. D. SHERRILL.

Subscribed and sworn March 29, 1879.

CHAS W. UNDERHILL,  
Notary Public for Madison County, New York.

*Deposition of George C. Kern.*

GEORGE C. KERN, sworn, testifies as follows:

1. Question. Where do you reside?—Answer. Town of Hamilton.

2. Q. What is your age?—A. Forty-three years.

3. Q. Do you know Thaddeus Leonard, the gentleman who was foreman upon the canal reservoir last fall?—A. I do.

4. Q. What is your vocation?—A. A farmer.

5. Q. Were you employed at any time last fall to perform labor under Leonard's superintendency?—A. Yes.

6. Q. About what time did you commence work; how long were you retained, and what the nature of the work performed?—A. Commenced work in October about the 8th or 10th, and worked ten and a-half days drawing stone with my team.

7. Q. Did Edwin Sherrill, the last witness, commence the same day?—A. Yes; I think he did.

8. Q. What was the pay per day?—A. Three dollars per day, man and team.

9. Q. Did you have any conversation with Thaddeus Leonard just before quitting the work, touching the causes of your dismissal or with reference to the political issues then pending; and do you know what his politics were, and who he favored for Congress, or did you learn from any one else that your politics stood in the way of your continuing in the service of the State? State the facts.—A. I heard that my politics were not right to be kept on the job, and that I was to be discharged that night. I was told so by Mr. Sherrill—the story the same substantially as he swore to it here—and that he had thought that he should be retained from the promise he had at the start. That night Leonard told me he did not want me to draw any more stone, and discharged me.

10. Q. Did Leonard inform you, at the time, as to the cause or causes of your discharge?—A. He did not.

11. Q. In what stage of advancement was the work on which he was employed at that time?—A. I heard him say they had not got anywhere near half enough drawn then to finish the job.

12. Q. And what do you know with reference to their continuance to draw stone after Sherrill and you had been discharged?—A. There were quite a number of different teams drawing stone afterwards, as I saw.

13. Q. How many men were employed drawing stone at the time you were discharged?—A. About eight, I think.

14. Q. How many working upon the reservoir?—A. I can't say as to number—eight or ten.

15. Q. And how many in the quarry?—A. Seven or eight.

16. Q. Then you think about twenty-five under Leonard in all?—A. More than that.

17. Q. About how many men in all?—A. I don't know as there was more than twenty-five.

18. Q. Was the force employed at the time of the election, in your judgment, any less than at the time when you were discharged?—A. I think it was a trifle. There was some falling off in the teams; that is all.

19. Q. Have you any means of knowing the large aggregate of voters employed on the line of the canals extending through the counties of Madison and Oswego just prior to and at the election?—A. I have no knowledge.

20. Q. Did you know the politics of the men retained upon the canal work in Hamilton and Madison?—A. By rumor only.

21. Q. You may state what the general rumor and report was as to the politics required of the employes on the State work in this section?—A. I learned to a demonstration that they must be Democrats.

22. Q. Anything said with reference to their voting the Democratic ticket?—A. No, sir; I can't say anything as to rumor as to their being left free to vote or not; they were discharged unless Democratic.

23. Q. Did you hear Leonard say anything with reference to the Congressional issue and if he was favorable to Mr. Duffy, and do you know how he did stand upon that question?—A. I don't know anything about it.

24. Q. Did you hear anything with reference as to how he stood upon that question; if so, what?—A. Nothing in particular, but he or Mr. Sherrill told me all I heard—that he could not retain Republicans on the work, for they would go down and vote right against his interests.

25. Q. Did you understand what he meant by his interest?—A. That he was supported or kept in position by the Democratic party.

26. Q. Then you understood, did you not, that it was a Democratic requirement that none but Democrats should be employed or those who would vote the Democratic ticket?—A. I so understood it.

27. Q. Did you notice Leonard on election day, and what he was doing?—A. I think I did.

28. Q. State where he was and what he was doing.—A. I saw him on the streets in Hamilton and at the polls. If I remember right he was handling tickets. I was here only a few moments.

Cross-examination :

29. Q. Did Mr. Leonard try to influence your vote on election day?—A. Not directly.

30. Q. Did he indirectly?—A. No; not on day of election.

31. Q. Do you say that Mr. Leonard said anything about your voting against his interest?—A. No, sir; I don't say he said it. Either he or Sherrill did say it, it is out of my mind which did say it.

32. Q. Is Lambert B. Kern, of De Ruyter, a relative of yours, and is he reputed to be a member of the Madison County ring of dangerous and corrupt politicians?—A. He is a brother, but not reported to be a member of any dangerous and corrupt ring.

Redirect examination :

33. Q. Did you see any indication of the use of money being used to advance the interests of Judge Mason ?—A. No, sir ; I did not.

34. Q. How long after the election did you first hear the rumors to the effect that money had been used ?—A. I can't say I have heard of any rumors since that I have paid any attention to.

35. Q. Did you have a conversation with Leonard about a man who had been discharged from a scow on the canal ?—A. Yes ; I heard Leonard talk on that subject. He said a Republican was discharged ; a captain of a scow, on account of his politics. I think he said Utica.

36. Q. Did you see Leonard in the blacksmith-shop and ask him for work since election ?—A. I can't say whether before or since ; not far from that time.

37. Q. What did he say ?—A. I asked him to throw politics aside and give me a job with my team again. He said he did not know ; he would see.

38. Q. I wish you to state which you think it was, Sherrill or Leonard, who told you what you have heretofore stated about your going to vote against Leonard and his interests, &c.—A. I think it was Leonard ; can't swear positively.

39. Q. Does your intense partisanship have anything to do in making you incline to the impression that it was Leonard instead of Sherrill ?—A. No ; not in the least.

GEO. C. KERN.

Subscribed and sworn March 29, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, New York.*

MONDAY, 9 A. M., March 31, 1879.

*Deposition of Charles M. Mott.*

CHARLES M. MOTT, sworn, testifies as follows :

1. Question. Where do you reside ?—Answer. In Hamilton.

2. Q. How long have you resided here ?—A. All my life.

3. Q. What is your age and occupation ?—A. Forty-seven years ; formerly a merchant, now out of business.

4. Q. What has been your politics ?—A. I have usually been identified with the Democratic party.

5. Q. And you regard yourself a Democrat at this time ?—A. I do.

6. Q. For whom did you vote for Representative in Congress last fall ?—A. Judge Mason.

7. Q. What motive impelled you to cast your vote for Judge Mason in preference to Sebastian Duffy, the Greenback candidate ?—A. I considered Judge Mason sound on the financial question, and I did not think Mr. Duffy was.

8. Q. And the financial question was the vital question of that campaign ?—A. Yes, sir.

9. Q. What did you know of other Democrats in your vicinity pursuing the same line and voting for Judge Mason ?—A. I did not have much talk with but one or two, and they seemed to think they would have supported him upon the same ground.

10. Q. And did you also hear it remarked that there were other Democrats who would support Judge Mason on the same grounds ?—A. Yes.

11. Q. Who did you understand among the Democrats, so far as you

had heard, intended to support Judge Mason?—A. I heard that Mr. Hackley, Mr. West, Mr. Parker, and Mr. Fairchild would support him; also Dr. Dodge and Professor Andrews did.

12. Q. These were all prominent men and men of high social standing in the community, were they not?—A. Yes, sir.

13. Q. You have always understood the Democratic party to be essentially a hard-money party?—A. I have, sir.

14. Q. And in their State platform last fall you understood them to adhere and announce emphatically in favor of resumption?—A. I did; yes, sir.

15. Q. Mr. Duffy was understood in Hamilton to be openly opposed to the Democratic idea upon that question, was he not?—A. I suppose he was.

16. Q. Did you hear him make his speech?—A. No, sir.

17. Q. Did you hear his speech commented upon after it had been made?—A. Not much.

18. Q. Did you hear Governor Boutwell when he spoke in Hamilton?—A. No, sir.

19. Q. For how many years had you known Judge Mason?—A. All my life.

20. Q. In what light had you known him, favorable or unfavorable?—A. In a favorable light.

21. Q. Did you regard him as a gentleman of high moral character and of strict integrity?—A. I did.

22. Q. Then, before the election transpired, you had reason, had you not, to believe that Mr. Mason would command and receive considerable support from Democratic quarters in the town of Hamilton?—A. Yes, sir.

23. Q. And you were not surprised then at the flattering vote that was given him here?—A. No, sir.

24. Q. Did you subsequently hear of rumors to the effect that Judge Mason or his friends had resorted to improper means to change the result of that election in Hamilton?—A. I may have heard of such rumors; I presume I have.

25. Q. How long after the election before you heard such rumors?—A. I should say it was several weeks.

26. Q. To what did you attribute the existence of these rumors?—A. To political gossip is all.

27. Q. Then I understand you that you regard them as being possessed of no merit, in your judgment?—A. No, sir.

28. Q. Did you see any indications of the use of money on election day?—A. No, sir.

29. Q. From your long and favorable acquaintance with Judge Mason, your knowledge of him as a gentleman of high moral character and integrity, do you believe for a moment that he would purchase his way to any office by a corrupt use of money?—A. I have not.

30. Q. And have you any reason to believe that money was used corruptly in his interest?—A. I have not.

Cross-examination :

31. Q. Are you a stockholder of the Natt Hamilton Bank?—A. I am.

32. Q. Do you know how much money the Natt Hamilton Bank contributed toward the election of Mr. Mason?—A. I do not.

33. Q. Mr. West, the cashier, is a stockholder also, is he?—A. Yes, sir.

34. Q. Was the cashier, Mr. West, favorable to Mr. Mason, as understood?—A. I heard so.

35. Q. Are you one of the directors ?—A. I am.

36. Q. Are you a brother of Thomas Mott, of Oswego ?—A. Yes; a half brother.

37. Q. Did you ever examine the books of the bank to see how much money of the bank went into the corruption fund of Mason ?—A. I have not.

38. Q. Do you know how much money Mr. Thomas Mott contributed toward the election of Mr. Mason in the city of Oswego ?—A. I do not.

C. M. MOTT.

Sworn and subscribed before me, March 31, 1879.

CHAS. W. UNDERHILL,

*Notary Public, Hamilton, Madison County, N. Y.*

*Deposition of Robert Patterson.*

ROBERT PATTERSON, sworn, testifies as follows :

1. Question. What is your age, residence, and occupation ?—Answer. Forty-six years old ; village of Hamilton ; shoemaker by trade.

2. Q. How long have you resided in Hamilton ?—A. About eighteen years.

3. Q. What has been your politics ?—A. Democrat.

4. Q. And you are a Democrat now ?—A. Yes.

5. Q. For whom did you vote for member of Congress last fall ?—A. Judge Mason.

6. Q. Will you please state what motives impelled you to vote for Judge Mason in preference to Sebastian Duffy, the Greenback candidate for Congress ?—A. On the money question, he being in favor of hard money and Duffy an inflationist.

7. Q. And you regarded, did you not, the money or financial question to be the vital question of that campaign, as you understand ?—A. I did.

8. Q. Did you know or understand that other Democrats of this village voted for Judge Mason ?—A. Yes, sir.

9. Q. And upon his financial views ?—A. Yes.

10. Q. Will you please name who you understood voted for Mason last fall ; I mean Democrats ?—A. Austin Tibbets, D. B. West, Le Roy Fairchild, Nelson Fairchild, William Fairchild, E. B. Mott, C. M. Mott, Gerrit Wickwire, A. J. Hackley, Eli Barber. I don't think of any others now.

11. Q. Do you understand that the Democratic party in this State has always been a hard-money party, or so regarded ?—A. Yes, sir.

12. Q. And do you not understand that the Democratic party last fall adopted a hard-money resolution and advocated a resumption of specie payment ?—A. Yes, sir.

13. Q. And, as you understand, Mr. Duffy openly opposed the Democratic idea upon the matter of finance ?—A. I do.

14. Q. Are those gentlemen whom you have named as members of the Democratic party who supported Judge Mason all creditable and worthy people, in your judgment ?—A. Yes, sir.

15. You understand them also all to be neighbors of Judge Mason, do you not ?—A. Yes, sir.

16. Q. After the election, did you learn of rumors which had been set afloat to the effect that Judge Mason or his friends had resorted to the use of money as a means whereby to effect the election ?—A. I did not until a short time ago.

17. Q. About what time?—A. About the time they commenced examining witnesses here in February.

18. Q. What time in the day did you vote?—A. About twelve, or between twelve and two o'clock.

19. Q. Did you discover any evidences that money was being used in behalf of Judge Mason?—A. I did not.

20. Q. And have you reason at this time from your long acquaintance with Judge Mason, his well-known character for integrity, to believe that he resorted to any corrupt or unlawful means whereby to secure his election?—A. I think not.

21. Q. To what do you attribute these rumors so set afloat respecting the use of money at that election?—A. I can't say what; probably for political effect.

22. Q. From the knowledge which you had before the election with reference to the feeling among hard-money Democrats upon the financial question, and the fact that Judge Mason had been long a resident at Hamilton, did you not before the election believe that he would receive no inconsiderable support at that election from hard-money Democrats who were in harmony with him on that question?—A. Yes, sir.

Cross-examination :

23. Q. Do you know E. F. Grosvenor?—A. Yes, sir.

24. Q. Does he reside in this village?—A. Yes, sir.

25. Q. Is he a Republican?—A. Yes, sir.

26. Q. And takes quite an interest in politics?—A. Yes.

27. Q. Do you know of any reason why he cannot be called as a witness in this case by contestee?—A. I do not.

28. Q. Have you heard it rumored that Mr. Mason took \$1,500 to the city of Oswego?—A. Very likely; yes, sir.

29. Q. Have you heard that during the week preceding the election and after Mr. Mason had gone to the city of Oswego how Mr. Grosvenor should have known and stated that he had taken \$1,500 there to buy his election?

(Objected to, as no evidence in the case tends to show that Judge Mason did take one dollar to Oswego for improper purposes; 2d, there is no evidence in the case that Mr. Grosvenor had knowledge that money had been taken to Oswego for any purpose; 3d, Mr. Grosvenor was accessible to a subpoena while contestant was presenting the affirmative evidence and contestant confessed at that time that Mr. Grosvenor had no knowledge of such rumor, and much less of the fact, by his refusal then and there to produce Mr. Grosvenor on that question; 4th, that witness Stapleton, while upon the stand in behalf of contestant, declared an entire lack of confidence in such rumor, if any existed; 5th, that Hon. Charles North, of Oswego, has left no chance or foundation for such a rumor by evidence already recorded; 6th, that contestant assumes a fact which has not been proven; 7th, Counselor White should not be permitted to draw from witness Patterson and have recorded an argument upon that question; 8th, immaterial and incompetent. Objection sustained.)

30. Q. How do you account for the fact that Mr. Grosvenor should have such knowledge soon after Mason started with said \$1,500, and for the coincidence that soon after his arrival there, and the two places being a great distance apart, that there should be evidence there, and Mr. Mason's friends should there state that Mason brought \$1,500 to that city, and delivered the same to one Burchard and one Lamoree for the purpose of buying voters in the various wards of the city of Oswego, and that they

received it, and on the Sunday and Monday evenings before election were seen in the various wards of that city; and how do you further account for the fact that the said Burchard, during the week previous to the Saturday at which time Judge Mason went to that city, should have written a letter to a person in another part of said county, in which he stated "Mr. Mason has not sent the money yet, but will be here Saturday with it, and you call on that day and I will let you have what you need to use in Hannibal"? Taking these facts together, and not taking into consideration in the least the positive proof that Mr. Burchard and Lamoree did, on the Sunday and Monday evenings before election day, and on election day were distributing money in the interest of Judge Mason, and leaving out of the consideration the further fact, the positive proof, that large numbers of votes were bought in the various wards of that city, now please account for the coincidences which I have mentioned.

(Objected to for all the reasons before stated, and for the further reason that the question propounded does not call for a fact, but a conclusion upon false and fictitious assumptions by Counselor White. 3d. That contestant's counsel is trifling both with the record and with contestee's time. 4th. That Counselor White should not be permitted to encumber the record with windy argument nor to sum up his case before the evidence has been taken; and if Counselor White has nothing better in the interest of his client, contestee's counsel insists upon the right to call another witness. Objection sustained.)

31. Q. Do you understand Michael Brogan to be a hard-money Democrat?—A. I don't know.

32. Q. You have stated that you know of nothing indicating the use of money, and that you believe these rumors were set afloat for political effect. Please state how you account for the change, which is said to have been effected in the twinkling of an eye, in the Kelloway boys; in other words, were they hard-money Democrats; and do you understand that they voted for Mr. Mason because of that fact?

(Objected to. It does not appear from the evidence that the Kelloway boys, or either of them, were changed in the twinkling of an eye; on the contrary, it does appear that Charles Kelloway pronounced against Mr. Duffy and openly abjured his support on the night contestant made his speech in Hamilton. 2d. The question is predicated upon an assumption not proven. 3d. Witness should not be compelled to draw deductions upon a hypothesis or supposed state of facts for Counselor White, when the facts themselves do not exist. Objection sustained.)

33. Q. About what number of Democrats in this election district voted for Mr. Mason who voted for him either on account of Mr. Duffy's soft-money proclivities or on account of personal friendship?—A. Ten or twelve; I can't say just how many.

34. Q. Would that include all who voted for him for both reasons stated in the last question?—A. It might have been more than that; can't state.

35. Q. How many would you say voted for him on account of both those reasons?—A. About ten or twelve.

36. Q. Now, assuming that upwards of sixty Democrats in this election district, as stated by one of contestee's counsel, and as the actual figures show there was upwards of seventy, not including the negro Hollingsworth, voted for Mr. Mason, would you attribute such a vote to either opposition to Mr. Duffy on account of his soft money tendencies or to personal friendship to Judge Mason, or to both?—A. I think I would.



37. Q. Why, then, did you put the number at ten or twelve?—A. I was not aware that so many voted for Mason.

38. Q. But if there were, you would assume it to those two causes, would you?—A. Yes.

39. Q. Now, assuming that there were upward of two hundred who voted for Judge Mason, would you attribute it to like causes? In other words, are you so intensely partisan and such an intense partisan of Mason that you cannot conceive of any other causes save those you have indicated?

(Objected to. Counsel is trifling both with the case and with the witness, again assuming facts not proven, and calling for conclusions based upon a false assumption of fact. Question immaterial and incompetent. Objection overruled.)

A. I am not an intense partisan of Mr. Mason. As to first part of question I can't say; I am unable to answer.

40. Q. You have stated that you attribute these rumors to political effect. Do you attribute the rumor of the purchase of Hollingsworth's vote by Cushman to political effect?

(Objected to. There is no evidence that the voter Hollingsworth was influenced by Cushman for a pecuniary consideration to cast his vote; 2d, there is no evidence to warrant the assertion that substantial rumor connects Mr. Cushman with an improper interference with the voter Hollingsworth, and the question assumes a fact not proven, while the evidence does show that the voter Hollingsworth not only was a lawful voter, but that he was so declared and adjudged by the board of inspectors of election, and upon competent and sworn evidence there given in support of his right to vote, and that rumor cannot affect, impair, or destroy that right in the absence of superior proof, which has not been given. Objection overruled.)

A. I do not; not in that case.

41. Q. You believe that rumor to be true, do you not?—A. I can't say as to that.

42. Q. Was it not the general and universal belief, so far as you know, that that rumor was true?—A. Yes.

43. Q. Do you believe that your friends and neighbors, some of whom have been sworn in this case, have set these rumors afloat for political effect alone, without regard to their truth?—A. No.

44. Q. Are not the witnesses George and Thomas Beal young men of very high character in this vicinity?

(Objected to. Contestant cannot support witnesses George and Thomas Beal upon a point of character until such time as witnesses have been called for the purposes of impeachment, and that the attempt to do so at this juncture is but a confession by counsel that he is unwilling to rely upon well-defined principles of law touching the character of those two witnesses; that the evidence is incompetent and immaterial. Objection sustained so far as to incompetency of sustaining witnesses George and Thomas Beal, and otherwise immaterial, since witness answered no to previous question. Scranton dissents.)

A. They are.

45. Q. And have you any reason to doubt their statements when or when not under oath?

(Objected to as before, and for the further reason that Counselor White is but recording his own doubts with reference to the credibility of the witnesses George and Thomas Beal. Same rulings.)

A. No.

46. Q. Is not also Mr. C. W. Stapleton a young man of good character?

(Objected to same as before, and that Counselor White is evincing his own lack of confidence in the truthfulness of the testimony here given by C. W. Stapleton. Same ruling.)

A. His character is good.

47. Q. Have you any reason to doubt the sincerity of his evidence?

(Objected to as before, and also that it does not appear that this witness was present and listened to the testimony as given by witness Stapleton; and further, that the great discrepancies existing between the testimony of witness Stapleton and of George Beals touching the same question do not appear to have been made known to this witness—a fact necessary in order to enable the witness to determine which of those two witnesses, if either, told the truth. Objection sustained. Scranton dissents.)

A. No reason to doubt it.

48. Q. It appears from the testimony that Mr. H. H. Keith, one of contestee's counsel, aided in starting these rumors of the use of money; is he not a young man of good character, and have you any doubt of his sincerity in starting such rumors?

(Objected to. Question assumes the fact not proven. 2d. That the evidence thus far does not disclose what miscreant originated those rumors; that contestee has never assumed to charge them upon any particular person; that the evidence points at this time more strongly toward Sebastian Duffy and his counsel, S. D. White, than to any one else, and yet that contestee does not assume to charge who the individual was, or individuals were, who first set afloat those base and unfounded rumors; that George Beal in his evidence gave witness Enos as the first author at noon on election day, all of which witness Enos has emphatically denied; and that there is no evidence connecting Mr. Keith's name with the origin of those rumors. Objection sustained. Scranton dissents.)

A. He is a young man of good character, and no doubt of his sincerity.

49. Q. And is he not a young man of rare ability and genius?

(Objected to as immaterial and incompetent, and as only furnishing Counselor White one more opportunity to record his merciless attacks and unwarrantable assaults against Judge Mason as well as his counsel, and as encumbering the record with immaterial and frivolous matters for the purpose of using up time. Objection sustained.)

50. Q. Is not E. E. Welton a man of character and standing in this village?

(Objected to for the reason that contestee is not willing that Counselor White should absorb time in sustaining the character of his peers who have appeared as witnesses on the part of contestee, and whom no one assumes to question. Objection overruled.)

A. His character is good.

51. Q. When he said on the night of election "Mason is probably elected, but it has cost him a pile of money," have you any reason to doubt his sincerity?

(Objected to. That there is not credible evidence tending to show that Mr. Welton used the language imputed to him by witness Beal. 2d. That witness Welton, whom contestant has just proven to be a credible person and the reputed author of the alleged declaration, as emphatically denied under oath having used the language attributed to him with reference to the use of money by Judge Mason; the same is immaterial and incompetent, and only designed to kill time and encum-

ber the record with frivolous and immaterial matter. Objection sustained. Scranton dissents.)

A. I think he must have been blowing a little.

52. Q. Of the vast aggregate of men who on the day and evening of election, and from that time forward, have earnestly and emphatically charged Mr. Mason and his friends with the corrupt use of money, do you charge that they have been insincere in their assertions?

(Objected to; question trifling, immaterial, incompetent, only designed to encumber the record, use up time; assumes a fact not proven; is insulting to the witness, who has already testified that he heard no rumors until the month of January or February after the election. Question waived.)

Redirect examination:

53. Q. When did you first hear it rumored that Mr. Mason had taken \$1,500 to Oswego?—A. About the time Stapleton gave his evidence; don't know the date.

54. Q. And do you know whether that rumor had been originated about that time in the village of Hamilton, and for the purposes of aiding this investigation, and did the rumor have relation to what Stapleton had sworn to on that subject or was willing to swear to in aid of Mr. Duffy?—A. I cannot say as to that.

55. Q. You never had heard an intimation to that effect during the summer, fall, or early winter, had you?—A. I had not.

56. Q. And did you put any credit in that rumor when it came to you, or did you believe in any way that Judge Mason had taken \$1,500 or sent \$1,500 to the county of Oswego for improper purposes?—A. I did not believe it.

57. Q. How long have you known Mr. Cushman?—A. About ten years.

58. Q. And what has his character been for truth and integrity?—A. Good.

59. Q. Do you know of your own knowledge whether Hollingsworth was a voter at the village of Hamilton at the time of the election or not?—A. I can't say as to that.

60. Q. Do you know that he had not always lived within the county of Madison?—A. I do not.

61. Q. Do you believe that Mr. Cushman knowingly and corruptly induced Hollingsworth to vote, judging from your knowledge of his character?—A. I don't think I do.

62. Q. You understood him to be at the time a member of the Republican county committee, especially intrusted by reason of that office with the duties of getting out the full vote, or as many as possible, on that day, did you not?—A. Yes.

63. Q. And did you think it at all strange that he should look after this colored man's vote more than any other vote cast at that election?—A. I should think it his duty to get out all the votes he could for his side.

64. Q. Do you know of your own knowledge that Cushman employed any improper means or brought to bear any improper influences upon the voter Hollingsworth?—A. Not to my own personal knowledge.

65. Q. Have you heard it reported at any time that Cushman at any time, either prior to or on the day of election, paid money or any other consideration to Hollingsworth?—A. No; I have not.

Adjourned until 7 o'clock p. m.

Examination of witness resumed at 7 o'clock p. m.

66. Q. You have been asked upon your cross-examination to state the number of Democrats in this election district who cast their votes for Judge Mason, in your judgment; in giving the number were you guided by facts within your knowledge prior to and at the time of the election, as they now occur to you?—A. Yes.

67. Q. May there not have been quite a number of Democratic votes polled for Judge Mason of whom you had no definite knowledge, or whose names have since passed from you?—A. Yes; there may have been quite a number that I knew nothing about.

68. Q. You are not a politician, I infer?—A. No, sir.

69. Q. Then your knowledge was derived from general conversation and the common speech of people about that time, was it not?—A. Yes.

70. Q. You do not profess to know, I suppose, the source of these rumors, or who it was that first set them afloat, regarding the use of money by Judge Mason or his friends?—A. I do not know.

71. Q. Then you do not know whether they originated among your neighbors and friends or not?—A. I don't know where they originated.

72. Q. May they not have originated in a preconcerted plan or grown out of great political disappointment when the result of that election became known, in your judgment?—A. I can't say.

73. Q. Did you understand that the Greenback vote in the town of Hamilton, early in the campaign, was expected by the leaders of that party to be much larger than it proved to be at the election?—A. I so understood it.

74. Q. Did you not also understand that the Greenback party or advocates of inflation directed their issues against what they denominated the money-power, and proclaimed themselves the especial friend of the poorer classes or the debtor classes?—A. Yes, I understood it so.

75. Q. Did you hear Mr. Duffy's speech?—A. No, I did not, only a little of it.

76. Q. Did you hear that speech commented upon the next day or day after?—A. I think I did.

77. Q. Was it not commented upon with disfavor by the hard-money Democrats of this locality, and did you not regard it as being in direct opposition to the sentiments of the Democratic party of this State?—A. It was in direct opposition to hard-money Democrats.

78. Q. How long have you known George and Thomas Beal of whom you have spoken; also, C. W. Stapleton?—A. I have known Stapleton five or six years; and the Beal boys since they were children; small boys.

79. Q. Did you know of an effort being made here to prosecute certain students for the alleged violation of the election laws?—A. I did not know of it until they were arrested.

80. Q. Did you understand also that these three gentlemen were actively engaged in that prosecution?—A. I did not so understand it.

81. Q. I assume, then, that you did not hear either of these parties testify in the matter of this contest?—A. No, sir.

82. Q. You did not know that either of them had been to the city of Auburn, upwards of 60 miles away, and without subpoena or other precept, for the purposes of having those students indicted upon their evidence, did you?—A. I did not.

83. Q. You did not know that either of them had been to the city of Utica on divers occasions, for the same purpose, I suppose?—A. I heard they had been subpoenaed there; that is all I know about it.

84. Q. Were you aware that the arrest and imprisonment of those

students, as well as the arrest and imprisonment of Hollingsworth, had been the cause of considerable local feeling here in Hamilton, and attended with more or less excitement?—A. Yes.

85. Q. You also were aware, I suppose, that these three gentlemen, George Beal, Thomas Beal, and C. W. Stapleton, were the supporters and actively in the interest of Mr. Duffy?—A. I am not aware that Stapleton was a supporter of Duffy. The others were, as I understood.

86. Q. You also understand, do you not, that the Beal brothers have been prominent witnesses in this case against Mr. Mason and in behalf of Mr. Duffy?—A. I know they were witnesses. I did not know how prominent.

87. Q. Your own experiences among men have taught you, no doubt, that prejudice is a torpedo the touch of which benumbs and paralyzes all of the other faculties, have you not?—A. I could not say as to that.

88. Q. Then you do not assume to know, I suppose, how far these active efforts on the part of the Beal brothers, the local feeling engendered thereby, their desires for success in this undertaking, and the consequent prejudice arising from the premises, have warped or biased those gentlemen when upon the stand?—A. I cannot say.

89. Q. Have you any reason to doubt that the Beal brothers are governed and controlled by substantially the same influences which actuate other men under like circumstances?—A. I have not.

90. Q. Would you not make some grains of allowance in the case of almost any man when you knew that that person had been wrought up to a high pitch and become deeply enlisted as an active partisan in a political movement of this kind?—A. Yes, I think I would.

91. Q. I understand from that you would feel that he might not be wholly impartial in the coloring should he lend any; in other words, that whatever partiality was shown, either consciously or otherwise, he would expect him to be most favorable to the interests which he had espoused?—A. Yes.

92. Q. And that you would expect him to be somewhat governed by the degree of feeling and the magnitude of the interests involved, would you not?—A. Yes, I would.

93. Q. You do not assume to know with what intensity of feeling these gentlemen have given their evidence, only from such facts as have come to your knowledge, I suppose, and to which I have before made reference?—A. I do not know.

94. Q. Do you know Allen N. Enos?—A. Yes, sir.

95. Q. And do you regard him as a worthy citizen and a good, credible person?—A. Yes.

96. Q. You also know Charles Kelloway and William Kelloway, I suppose?—A. I know them.

97. Q. For how many years have you known them?—A. For eighteen or nineteen years.

98. Q. Is William Kelloway at this time one of the trustees of the village of Hamilton, as you understand?—A. Yes, sir.

99. Q. Do you regard those gentlemen as good, credible people?—A. Yes.

100. Q. You have said E. E. Welton is a most worthy and credible person. For how long have you known him?—A. For eighteen or nineteen years.

101. Q. Should Mr. Welton say to you that he knew of no money and saw no evidences of money having been used on election day in the interest of Judge Mason, would you believe him?—A. I would.

102. Q. Should he also say to you, when charged with having said "I

guess Judge Mason is elected, but it has cost him a pile of money," "I have never used any such language or believed any such thing," would you believe him?—A. Yes, I should.

103. Q. And then should Mr. Welton come into court and make oath and subscribe his name thereto, wherein he should testify while under such oath that he had never used language of that character touching the election of Judge Mason, would you believe Mr. Welton had testified truthfully or otherwise?—A. I should think he had testified truthfully.

Recross-examination by S. D. WHITE :

104. Q. If the Beal brothers and Mr. Stapleton should all testify that they did hear Mr. Welton say that, and that they remembered it distinctly, would you believe that they and each of them testified truthfully?—A. I should think they meant to testify truthfully.

105. Q. Why do you put that qualification to all of them, and not qualify Mr. Welton's in the same way?—A. I can give no reason.

106. Q. Is not Mr. Welton an extreme partisan and an old man?—A. Yes.

107. Q. Would you not think it more likely for him to be mistaken than all those other three men, considering his age?

(Objected to. Counselor White is assuming a fact which does not exist in the case. Stapleton and the Beal brothers are not in accord upon the subject as to what, if anything, Welton said. Objection overruled.)

A. I would.

108. Q. Where three men of equal character remember a fact, do you not regard it of much greater importance and weight than the want of memory of the fact of one other?—A. Yes.

109. Q. Do you not regard Mr. Welton's evidence as subject to the same influences upon political matter as each of the Beals and Mr. Stapleton?—A. I do.

110. Q. And as you understood Mr. Stapleton's political character you would regard his sympathies on the same side of Mr. Welton?—A. I supposed they were on the same side of politics, both Republicans.

111. Q. And you regard the Beal brothers' political sympathies and proclivities in harmony with the majority of the present House of Representatives as now constituted, do you not?

(Objected to. Counselor White has no right to assume to know at this stage of the case where the sympathies of the majority of the House of Representatives lie in this case; immaterial and incompetent. Objection sustained.)

Redirect examination :

112. Q. Do you not understand that while both Welton and Stapleton are Republicans, yet that neither of them favored the nomination of Judge Mason, but were opposed to him at last fall's election?—A. I was not aware of it at the time and not until after election.

113. Q. And did you after the election so learn, and is that your present understanding?—A. Yes.

114. Q. You stated in your cross-examination this afternoon, as I understood you, that had Mr. Welton at or about the time of the election and while speaking of Judge Mason's election made the remark "I guess the Judge is elected, but it has cost him a pile of money," you should have regarded such a remark simply in the light that Welton was blowing. Did you by that remark intend to convey the idea that you would not have regarded the remark itself, if made, as furnishing any evidence of the corrupt use of money by Judge Mason?—A. I did.

115. Q. I understand you to say that on a question of veracity you should feel inclined to give credence to the concurrent testimony of three equally credible witnesses as against the testimony of a single individual; now, if the three concurrent witnesses were at variance with each other and strong partisan feeling came in to warp their judgments and they were called upon a question as to what the single individual had said upon an occasion long past touching a matter about which that individual could not well be mistaken, would you not regard it as more likely that the actor or speaker was correct and that the three partisans either misinterpreted what was said or done or had given to the same unconsciously a different coloring from that designed by the speaker?—A. I can't answer that.

ROBERT PATERSON.

Sworn and subscribed before me March 31, 1879.

CHAS. W. UNDERHILL,  
*Notary Public, Hamilton, Madison County, New York.*

*Deposition of Ralph Simpson.*

APRIL 3, 1879, at 4 p. m.

RALPH SIMPSON, sworn on behalf of contestee, testifies as follows:

1. Question. Where do you reside?—Answer. Town of Madison.
2. Q. At the time of the last general election where did you live?—A. In this village.
3. Q. How long had you lived here?—A. I have been back here two or three years and had most generally lived here.
4. Q. Do you know W. K. Lippitt?—A. I do.
5. Q. Did you see Mr. Lippitt on election day and talk with him?—A. I did.
6. Q. You may give that conversation.—A. He asked me if I was agoing to vote and I told him I did not know whether I would or not, but I finally told him I would vote a part of the ticket. This was some time in forenoon.
7. Q. You have a son-in-law?—A. Yes.
8. Q. Was there anything said between you and Lippitt with reference to your son-in-law?—A. Yes, sir.
9. Q. Give the conversation.—A. He wanted to know if I thought he would vote as I did, and I told him I thought he would. I told him I would go and see him. I don't know as there is anything more.
10. Q. Did you go?—A. Yes.
11. Q. How far did you go?—A. Probably eighty rods.
12. Q. Did you get your son-in law?—A. Yes, sir.
13. Q. What is his name?—A. William De Long.
14. Q. How long were you gone after him?—A. Perhaps twenty minutes or a half hour.
15. Q. Did Mr. Lippitt pay you any money that day?—A. He did.
16. Q. How much?—A. Two dollars.
17. Q. When did he pay it to you?—A. After I voted.
18. Q. And after your son-in-law voted?—A. I think it was after.
19. Q. And did you do anything else about the election that day?—A. No, sir.
20. Q. Was Lippitt indebted to you?—A. No, sir.
21. Q. Have you ever talked with Lippitt since about that money?—A. No, sir.
22. Q. Do you know why Lippitt gave you that money?—A. Yes, sir.

23. Q. Why?—A. For my time and for getting my son-in-law to vote.  
 24. Q. Did Lippitt tell you that he would give it to you for that purpose?—A. Yes, sir.  
 25. Q. And did you promise on your part to perform the work and get your son-in-law to vote in consideration of the \$2?—A. Yes.  
 26. Q. And was your son-in-law living in the same house with you here in the village?—A. Yes, sir.  
 27. Q. What has been your politics?—A. Always a Democrat.  
 28. Q. Never voted a Republican?—A. No, sir.  
 29. Q. What were you hesitating about voting for?—A. It was no interest to me.  
 30. Q. After Lippitt promised to pay you the two dollars you was not altogether without an interest, I suppose?—A. I had two dollars' worth.  
 31. Q. I take it that that was the best day you had during the fall?—A. About as good as any, I think myself.

Cross-examination:

32. Your politics has always been the same as you understood Mr. Lippitt's to have been?—A. Yes.  
 33. Q. Your son-in-law the same?—A. He always claimed to be Democratic.  
 34. Q. You and he have been residents of this village and vicinity for a number of years and your politics well known?—A. Yes.  
 35. Q. Have you any reason to doubt that Mr. Lippitt, being an active Democrat, as well as a discreet one, perfectly understood that you and De Long were Democrats as well as himself?—A. I have none.  
 36. Q. You did not understand, did you, from anything that occurred that day, that you were selling your vote, or that Mr. Lippitt was seeking to buy the same, or to use any improper means whatever?—A. None whatever.  
 37. Q. And Mr. Lamoree had talked with you on the subject?—A. Yes; a few words.  
 38. Q. And Mr. Lamoree told you in that conversation what Mr. Lippitt had told him upon this subject?—A. Yes.  
 39. Q. And you have told it here just as Mr. Lamoree told you Lippitt informed him?—A. Yes; that in effect.  
 40. Q. You therefore understood, as I assume, that Mr. Lippitt had no privacy whatever about the matter?—A. It don't seem as though he had.  
 41. Q. I assume also, and am I correct, that Mr. Lippitt seemed to regard it both as a legal and moral act, as you yourself did?—A. Yes.  
 42. Q. And both perfectly free to tell Mr. Lamoree of it?—A. Yes.  
 43. Q. There being no importance to your evidence, can you conceive of any other reason why you have been called, except to give both sides an opportunity to show that Mr. Lippitt had been conversing with Mr. Lamoree upon the subject, and to show that you and Mr. Lippitt both were perfectly willing that all these facts should be known?  
 (Objected to, that the preamble is not founded in fact; the evidences of grave importance and the question here propounded incompetent and immaterial. Objection sustained, Scranton dissenting.)  
 A. No, sir.  
 44. Q. You have sometimes in your life peddled Democratic tickets?—A. No, sir.  
 45. Q. And if you voted that day you supposed you intended to vote the same ticket Mr. Lippitt voted?—A. Yes.



46. Q. And he gave you your tickets?—A. Yes.
47. Q. And it seems that he voted for Mason. Did you also vote for Mason?—A. I did not vote for either Congressman.
48. Q. He spoke something about getting Harmon elected?—A. Don't think he did.
49. Q. And did you vote the tickets he gave you?—A. Yes.
50. Q. Where was Mr. DeLong that day?—A. About the house.
51. Q. He had been at work a mile or so north of here, had he not?—A. I don't remember where he had been at work.
52. Q. Is he a day-laborer?—A. Yes.
53. Q. Sometimes he works for neighboring farmers, and sometimes in the village?—A. Yes.
54. Q. And he sometimes works as far out of the village as two or three miles away, his family living in the village?—A. Yes, sir.
55. Q. And, as I understand from your evidence, your having stated that you had given all the conversation, that you did not tell him where Mr. De Long was, or where he was at work?—A. No.
56. Q. Had he not been at work some two miles north of the village?—A. I can't say positively where he was at work.
57. Q. I assume, also, that you did not know, at the time of the conversation, whether he was at home or not?—A. I do not know.
58. Q. You did not understand that Mr. Lippitt was giving you that \$2 for your vote, but simply for your services?—A. For services, simply.
59. Q. Mr. Lamoree, in putting a very adroit question to you, has induced you, as I think, against your intention, to say that he paid you this \$2 for your time, and to get De Long to vote. Now you state, in answer to my very fair question, that you received it for getting De Long, simply. Now, which is correct, that it was paid you for services in getting De Long, or for a compensation for a few moments' time in going to the polls?—A. My services in getting De Long.
60. Q. And now have you stated all that you know about this case?—A. I don't know anything more.

Redirect:

61. Q. Did you ever converse with Lippitt upon political subjects before that day?—A. No, sir.
62. Q. Had you ever been intimately acquainted with him?—A. No, sir.
63. Q. Where were you when Lippitt first approached you?—A. I went into his store.
64. Q. And that was adjoining the room where the polls were being held?—A. Yes.
65. Q. Who was present at the time of this conversation between Lippitt and you?—A. I think the man that works for him is all.
66. Q. What did you go in there for?—A. To get my votes, after I made up my mind to vote.
67. Q. How did you know where to go to get your votes?—A. He generally had them, years before, at elections.
68. Q. Had you ever been there before after votes?—A. Don't think I ever had.
69. Q. Had you been in the hall where they were voting before you went into the store?—A. No.
70. Q. How long had you been in the vicinity of the polling-place before you went into Lippitt's?—A. I had just come up from the house.
71. Q. Who did you leave at the house?—A. My family.
72. Q. Did you leave anybody else there?—A. No, sir.

73. Q. Name the individuals that you left.—A. My wife, Delong's wife, and a girl; that is all.

74. Q. Had you seen Delong that day?—A. Yes; in the morning.

75. Q. How long before you went up town?—A. About two hours.

76. Q. Did you have any conversation about the election before you came up town?—A. No, sir.

77. Q. Who was the first person that you spoke with regarding the election after you left home?—A. I think Mr. Lippitt was the first man.

78. Q. And the first thing you said to him was that you did not know whether you should vote or not?—A. Yes.

79. Q. What was the next thing he said after you told him that?—A. He told me I had better vote.

80. Q. Then what did you say?—A. I told him I would vote part of the ticket, I guessed. I took the tickets and went up and voted. He asked me if I could not go Duffy, and I told him I could not.

81. Q. Duffy was a Greenbacker, as you understood?—A. Yes.

82. Q. Did you hear his speech?—A. No, sir.

83. Q. Where was it that the question about money came in?—A. He spoke about Delong and wanted to know if I could get him, and he gave me \$2 for my time in consideration of my getting Delong.

84. Q. On what street were you living at that time?—A. Corner Canal and Lebanon street.

85. Q. You have looked at that distance more particularly since tea, have you not?—A. I said eighty rods, and I think now twenty-five rods would cover it.

86. Q. And you went directly down there after Delong, and did you find him at home?—A. Yes.

87. Q. And you immediately returned in company with Delong?—A. Yes.

88. Q. And where did you and Delong got up near Lippitt's store?—A. I took him into Lippitt's store and got some tickets for Delong.

89. Q. Who handed those tickets to Delong?—A. Mr. Lippitt, I think.

90. Q. And how long were you and Delong in there?—A. Not over ten minutes.

91. Q. Then what took place?—A. Delong came out with the tickets and came up and voted, I suppose.

92. Q. Where was Lippitt?—A. I think he came up about the time Delong did.

93. Q. You mean by that that he and Delong came out and left you there?—A. We all three came out of store together.

94. Q. And then Lippitt and Delong went toward the polls or went upstairs toward the voting room?—A. Yes, sir.

95. Q. And where did you stay?—A. I went home.

96. Q. Did Lippitt pay you the \$2 while in store with Delong?—A. No, sir.

97. Q. When did Lippitt pay you the money?—A. Long toward night.

98. Q. Did you know just how much it was to be?—A. Yes; he told me previously.

99. Q. Did he ask you what you would ask?—A. No, sir.

100. Q. Did you know at the time that he was paying most of his men \$3?—A. I did not know that he was paying anything.

101. Q. Did he ask you where Delong was?—A. I rather think he did. Not positive about it.

102. Q. Did you tell him where he was?—A. No, sir; I have no recollection of telling him.

103. Q. You knew that Delong was around town somewhere?—A. I supposed he was.

104. Q. When you say about town you mean about the village?—A. Yes.

105. Q. If you did tell Lippitt where Delong was, then you must have told him he was around town somewhere?—A. Yes, around the village.

106. Q. I want you to fix now as near as you can the hour in which Lippitt agreed to pay you this \$2?—A. Not far from ten o'clock in the forenoon, I think.

107. Q. Had you at that time any reason to believe, or do you know of any reason why, Lippitt should believe at that hour in the morning that Delong would not come as other voters came during the day and vote of his own free will?—A. I don't know whether I had any reason for it or not.

108. Had you any reason to believe that Delong did not intend to vote that day?—A. He told me in the morning he did not think he should.

109. Q. Did he tell you the reasons why he did not intend to vote that day?—A. He did not.

110. Q. From the remark which you first made to Lippitt when he asked you if you were going to vote—namely, "I don't know whether I will or not"—I take it that in the morning you and Delong were about alike on the question of voting?—A. Yes; that is, that I hardly thought I should vote.

111. Q. What was it that brought you to that conclusion that you would not vote?

(Objected to, because it has been fully answered.)

A. I thought I would not vote, for I did not like the way this canal was run for the State.

112. Q. And then there was another cause, was there not—that the Democrats were divided by the Greenbackers?—A. I did not care anything about that.

113. Q. Did Lippitt give Delong a full set of tickets?—A. I can't say as to that.

114. Q. You know nothing to the contrary?—A. No; I do not know how he voted.

115. Q. You had a talk with Counselor White in this room this morning, over near the right side of the room, after you had talked with Mr. Lamoree, did you not?—A. I think I did.

116. Q. What Mr. Lamoree said to you was this, was it not: that Mr. Lippitt had declared the fact that he had paid money to different persons, and that Mr. Leonard had sworn that Lippitt told him their names and gave the amounts?—A. That is what Mr. Lamoree said.

117. Q. And is not that all that he said?—A. I think it was.

118. Q. Did he not ask you if you had received money from Lippitt, and was not your reply this, "If I go upon the stand, or if I am sworn, I shall tell the truth"?—A. Yes.

119. Q. And that was all you disclosed with reference to what you knew?—A. Yes.

120. Q. I assume that Delong was a strong, healthy man at the time of the election?—A. Yes.

121. Q. Did you hear anything or know anything with reference to a ring which Mr. Lippitt gave Delong about election time?—A. No, sir; I never heard of such a thing.

## Recross examination :

122. You have been apparently willing to tell both sides just what you know, and by some questions put you by Mr. Lamoree I infer that you have had an interview with Mr. Lamoree or Smith, or with any one?—A. No, sir.

123. Q. How, then, could Mr. Lamoree have learned so as to put this question in this way: "I have learned from you that you have looked as to the distance between the polling place and your house, and instead of thinking that it was 80 rods, that you think now it is not so far"? How do you think Mr. Lamoree should have known that, or found out that if you had not told him?—A. I don't know.

124. Q. Are you aware that he had taken a measurement from the polling place and your house?—A. No, sir; and I had not.

125. Q. And how do you think that he had learned the fact that you had changed your mind as to the distance since the time you parted, at tea-time, and the hour you returned?—A. I can't tell how he knew.

126. Q. And did you not think it a little strange, inasmuch as you had not said a word upon the subject, that he should have known you had changed your mind so as to be able to suggest to you and ask you if you had been looking and thinking over the question, and that now you thought it was only 25 rods?—A. I did not think anything about it.

127. Q. And can you conceive or comprehend how he should know your thoughts when you had not disclosed your thoughts to him or others?—A. No, sir.

128. Q. Have you ever known of such an occurrence?—A. No, sir.

129. Q. Counsel states in your hearing and mine that you have had conversation with Mr. Keith; is it not true, sir, that Mr. Keith did make suggestions as to the distance?—A. I think he did. It had slipped my mind.

130. Q. Had it slipped your mind when I asked you three times in substance how you could conceive the fact that Mr. Lamoree should know your thoughts when you had not communicated your thoughts to any one?—A. Yes, sir.

131. Q. Did you testify upon your former cross-examination, and was it true, that you did not understand from anything that occurred between you and Mr. Lippitt that you were selling your vote or that he was trying to buy it, or using any improper means whatever?—A. Yes, and that is what I meant.

132. Q. And did you, in answer to Mr. Lamoree's first direct examination, state the conversation between you and Mr. Lippitt?

(Objected to. Record shows what he stated; immaterial and incompetent. Objection overruled.)

A. I did.

133. Q. And did you say to him, after giving it, that was all?—A. I think I did.

134. Q. And did you testify before tea that Mr. Lamoree came to you and told you what Mr. Lippitt said that he had said to you?—A. Don't remember that I did; perhaps I did.

135. Q. Is it true that Mr. Lamoree did in that conversation tell you what Mr. Lippitt had told him?

(Objected to. Immaterial and only put to consume time; that witness had stated what Lippitt told Leonard. Objection overruled.)

A. It is true.

136. Q. And did you testify before tea, and is it true, that you had told the conversation here on the stand just as Mr. Lamoree told you

that Mr. Lippitt had told him?—A. I swore to it just as Mr. Lamoree told me. Yes.

137. Q. Did you also swear that from what Mr. Lamoree said that Mr. Lippitt had no privacy about the matter?

(Objected to as precise question put before tea, and witness now asked if he did so swear, and the same has not been contradicted. Objection sustained.)

138. Q. Did you testify before tea, and is it true, that there was nothing between you and Mr. Lippitt that was illegal and immoral?

(Same objection; further that the legal opinion of the witness or his views of morality are of no moment.)

139. Q. And did you testify before tea that you did not understand that he was giving you this \$2 for your vote, but did understand that he was simply giving it for your services in going and getting Delong?

(Objected to as before. Objection overruled.)

A. I did swear so.

140. Q. And was it true?—A. Yes.

141. Q. Did you understand that Mr. Lippitt was paying you either for your vote or the few moments' time spent in your voting?

(Objected to as before. Objection overruled.)

A. I did not understand it was to pay me for depositing my vote.

142. Q. But you did understand that it was simply for your services in getting Delong?—A. Yes.

143. Q. If you had no conversation with Mr. Lamoree how could you have used this legal phrase "and he gave me \$2 for my time and in consideration of my getting Delong here"?

(Objected to.)

A. I don't know why, but I did.

144. Q. You used it yourself without any aid from Lamoree or any other lawyer?—A. Yes.

145. Q. If it was a phrase of your own getting up, without aid, please state it again.

(Objected to. Immaterial, incompetent, and trifling with witness.)

146. Q. Do you know George or Thomas Beal, or either of them?—A. I do.

147. Q. Did you tell George Beal that Lippitt did not pay you anything?—A. I told him so; yes.

148. Q. Did you lie then or are you lying now?

(Objected to as improper. Objection sustained.)

Redirect examination by S. D. WHITE:

149. Q. When was it and where was it that you told George Beal that Lippitt had never paid you anything?—A. About a month ago; in Peotrow store.

150. Q. Do you know how he came to quiz you on that subject?—A. I do not.

151. Q. Did you know at that time that the history of this transaction between you and Lippitt had been divulged?—A. I had not.

152. Q. Then George Beal, one of Mr. Duffy's principal witnesses, gave you the first intimation or suggestion that the secret was out, or rumor to that effect?—A. Yes, sir.

153. Q. What reasons had you then for withholding the truth from him?—A. I did not feel at liberty then to divulge the secret.

154. Q. Why not?—A. I did not know whether Mr. Lippitt had told of it or not.

155. Q. And you did not intend to retail that transaction around town

to the injury of Mr. Lippitt, I suppose?—A. I did not propose to advertise it.

156. Q. In your conversation with Mr. Lamoree did you understand that Mr. Lippitt had made these disclosures to Leonard when Mr. Lamoree was present and heard same conversation?—A. That is the way I understood it.

Recross :

157. Q. I remember that you testified that there was nothing whatever that you regarded illegal or immoral. Why, then, do you call it a secret now?—A. I did not consider it was any one's business as to our business transactions.

158. Q. Did you testify that you did not owe Lippitt anything?—A. I testified that he did not owe me anything.

159. Q. Did he ever make you any present?—A. No.

160. Q. Did you buy a watch of him four or five years ago?

(Objected to as immaterial and incompetent. Objection sustained.)

RALPH H. SIMPSON.

Subscribed and sworn, April 3, 1879.

CHAS. W. UNDERHILL,

Notary Public for Madison Co., N. Y.

*Deposition of J. Chrisman Waldron.*

APRIL 3, 1879.

J. CHRISMAN WALDRON, sworn, testifies as follows:

1. Question. Where do you reside?—Answer. Town Hamilton and in village.

2. Q. How long have you resided in village of Hamilton?—A. Thirty-one years.

3. Q. What is your age?—A. Thirty-one years.

4. Q. Were you a member of the board of inspectors at the November election in 1878 for the Hamilton election district?—A. Yes, sir.

5. Q. And were you at the polls during the whole of that day?—A. Except at meal-times.

6. Q. Did you see or know of anything that indicated the use of money by Judge Mason or any of his friends to corrupt that election, or to secure his election?—A. No, sir; I did not.

7. Q. Did you on that day hear or know of any rumors or report concerning the use of money by Judge Mason or any person in his interest to corrupt the election?—A. No, sir; I did not.

8. Q. Did you hear the evidence of Geo. Beal, a witness sworn for contestant?—A. No, sir.

9. Q. Has your attention been called to the evidence given by him as to a statement made by Judge Mason relative to the voter Hollingsworth?—A. Yes, sir.

10. Q. Did you see Hollingsworth vote?—A. I did.

11. Q. Did you hear the evidence given by him on examination by the board of inspectors relative to his right to vote?—A. Yes, sir; I did.

12. Q. Did he there testify that he had resided in Madison County for four months and to the facts making him a legal voter?—A. He did.

13. Q. Was he there questioned by different persons relative to the facts constituting him a voter?—A. I think he was.

14. Q. Did you see Judge Mason at the polls or in the room where the polls were held at the time Hollingsworth voted?—A. No, sir; I did not.

15. Q. How soon after Hollingsworth voted were the polls closed?—A. Immediately after.

16. Q. Did you hear the invitation extended to Judge Mason by Mr. Welton, chairman of the board, to be present at the canvassing of the votes?—A. Yes, sir; I did.

17. Q. How long was that before Hollingsworth voted?—A. I should think about half an hour.

18. Q. What did Judge Mason say to Mr. Welton in response to that invitation?—A. He said he would. He said he would have to go to tea first.

19. Q. Where was Mr. Welton and Mason at that time?—A. Mr. Welton set at the table and called Mr. Mason to him.

20. Q. Did you then notice where Judge Mason went or what he did?—A. He left the table and went back in hall.

21. Q. Did he go toward the door that led into the street from the hall?—A. I don't know.

22. Q. What time of day was that, and was it tea time?—A. It was about 5 o'clock. I had been to my tea.

23. Q. Did you see Judge Mason again before the polls were closed?—A. No, sir.

24. Q. After the closing of the polls, where did the canvassing board then go, and for what purpose?—A. We remained in this room until after the votes were canvassed.

25. Q. When did you next see Judge Mason?—A. He came in after we had counted the votes for Congressional candidates and we were preparing to open them.

26. Q. Where did he take his seat?—A. At the right hand of Mr. Welton and opposite myself, and Mr. Van Slyck was at his right.

27. Q. You stated that you had counted the Congressional first, but was it not the State?—A. It was the State. The law compels us to canvass that vote first, and I so meant.

28. Q. After Judge Mason took his seat at the table did you hear any person in the audience make any remark concerning Hollingsworth?—A. Not that I remember.

29. Q. While sitting at the table did Judge Mason say, "This is the vote Watts made so quick," or "This is the voter Watts made so quick," or that "That Watts made that vote quick," or anything like it in substance or effect?—A. I did not hear anything to that effect.

30. Q. Did Judge Mason say anything while sitting at the table in reference to Hollingsworth or to the vote by him cast?—A. I don't remember of hearing him say anything; I was busy all the while.

31. Q. How near to Judge Mason did you sit, and what position with reference to the seat by him occupied?—A. I sat opposite to him, and about three feet from him.

32. Q. Had he have made the remarks attributed to him concerning Hollingsworth would you have been likely to have heard it from the position you occupied?

(Objected to on the ground that the question calls for an opinion or an inference instead of facts, and the witness is not an expert on the subject. Objection overruled.)

A. I think I would.

33. Q. Do you remember the fact of two Congressional ballots being found in the State box?—A. Yes, sir.

34. Q. Were those ballots counted?—A. I don't remember whether they were or not. If there had been two short in the Congressional box we would be obliged to count them, but I don't remember the facts.

35. Q. Was the whole number of ballots found in Congressional box, including the two in the State box, in excess of the poll-list?—A. No, sir.

36. Q. After the votes were canvassed, to what room and for what purpose did the canvassing board retire?—A. To the room used as a trustee room of the village, on first floor, in same building; for the purpose of making out the statement and certificate of canvass.

37. Q. Did Mr. Welton there say that Mason was elected, he thought, but that it had cost him a good deal of money, or anything like it?—A. No, sir; he did not.

38. Q. Since election have you learned of rumors which had been put afloat concerning the use of money by Judge Mason or his friends for illegitimate purposes, and to secure his election?—A. I have.

39. Q. To what do you attribute those rumors?—A. I should judge they were partisan rumors. I never paid any attention to them because I thought them of no account.

40. Q. From all that you have heard and can learn, from what source did they spring?—A. Well, I can't say; I never paid any attention to them.

41. Q. Have you any reason to believe, or do you believe, that there is any truth in those rumors?—A. I don't think there is any truth in those rumors.

42. Q. Did you hear or know of the predictions and boastings made before election day by members of the inflation or Greenback party as to the number of votes that party would poll in the Hamilton election district at that election? If so, state what you heard.—A. I understood they claimed they would poll 100 votes, but I think they only polled 26 or 28 votes.

43. Q. Prior to the result being declared and known did you know or hear of any rumor or intimation that money had been improperly used in that election, or in the political canvass, by Judge Mason or by any person in his interest?—A. No, sir.

44. Q. Have you ever heard Mr. Welton make the remark attributed to him, to wit, that Mr. Mason's election had cost him a good deal of money, or anything like it in substance or effect?—A. No, sir; I have not.

45. Q. Did you hear the address of Sebastian Duffy delivered at Hamilton during that political campaign?—A. Yes, sir.

46. Q. Was that address devoted largely to an attack upon the national finance system and upon the national banking system?—A. Yes, sir.

47. Q. And in that address did Mr. Duffy favor the abolishment of the national banks and the inflation of the national currency?—A. Yes.

48. Q. Do you know of a large number of voters in and about Hamilton, members of the Democratic party, who attended that meeting and heard Mr. Duffy's address?—A. I do.

49. Q. After that address did you hear and learn of a large number of the Democratic voters in and about Hamilton who expressed themselves as opposed to Mr. Duffy's financial views?—A. I don't remember that I heard any such thing. I heard that he had lost votes instead of making votes, and that was my opinion.

50. Q. Did you know of many hard-money Democrats in and about Hamilton?—A. I never paid much attention; I could not say what they believed.

51. Q. Did you see Charles Kelloway at Mr. Duffy's meeting?—A. Yes, sir.



52. Q. After that meeting did you ever hear Charles Kelloway express himself in favor of the views and principles advocated by Mr. Duffy?—A. No, sir.

53. Q. What has been Charles Kelloway's politics, as you understand?—A. Republican.

54. Q. For about how many years have you been a Republican member of the canvassing board?—A. Five years.

55. Q. And during that time how has Mr. Kelloway voted, so far as you know or understand?—A. I should think he voted the Republican ticket.

Cross-examination :

56. Q. You have known Charles Kelloway for many years, have you not?—A. Yes, sir.

57. Q. And do you think you would know his handwriting if you should see it?—A. I don't think I would. I never saw any of his writing.

58. Q. I judge from your evidence that Mr. Duffy's views upon questions of political economy or finance, as stated by him in that speech, did not coincide with yours; am I right?—A. You are.

59. Q. And what are your views upon the question of finance?

(Objected to as incompetent and immaterial. Objection overruled.)

A. I was in favor of resumption of specie payments.

60. Q. And what do you mean by resumption of specie payment?

(Objected to as incompetent and immaterial, wholly irrelevant to the issue. Objection overruled.)

A. I shan't make any answer to it.

61. Q. Can you make an answer? If so, make it.—A. I suppose I can.

62. Q. Then, what do you mean by resumption of specie payment?—

A. That a dollar must be worth a dollar; a silver dollar and a green-back worth a dollar.

63. Q. And do you desire that a gold dollar should be worth a dollar?

—A. Yes, sir.

64. Q. And have you ever read any work upon political economy?—

A. Yes.

65. Q. What works have you read?—A. I don't remember.

66. Q. Then, to refresh your memory, I will ask if you have ever read the works of Herbert Spencer, Tamerlane, or Bajazet?—A. No, sir; not.

67. Q. Or have you read the works of Stuart Mill or Charlemagne upon that subject?

(Objected to as immaterial and incompetent, and not the proper way for Counselor White to establish a reputation for intelligence. Objection overruled.)

A. I don't remember that I have.

68. Q. Have you ever read Schuyler Colfax's or Belknap's views on the money question?

(Objected to as immaterial and incompetent; contestee has but this and one more day left him in which to take evidence, and that he has a large number of material witnesses whom he desires to examine, and Counselor White is questioning against him and to deprive contestee of an opportunity to examine witnesses who have been subpoenaed before this court.

Question withdrawn, and contestant states that contestee may have additional time to the extent of ten additional days instead of two, providing that contestee will stipulate that the ten days thereafter may be allowed contestant, as within the ninety days provided for by statute,

providing that contestee will now state he desires the time, and will now give notice that he will enter into such stipulations.)

69. Q. Were the Motts regarded as hard-money Democrats?—A. I do not know.

70. Q. And do you know whether Michael Brogan was or not, or the negro Hollingsworth?—A. I don't know anything about them.

71. Q. Have you always been a Republican?—A. Yes, sir.

72. Q. And have you uniformly voted that ticket on all State and national questions?—A. Yes.

73. Q. As a strong partisan and without any hesitation?—A. Yes, sir.

74. Q. Your father a strong partisan?

(Objected to as immaterial.)

75. Q. And how did you understand the negro Hollingsworth voted?—A. I should judge it was a Republican ticket by the color.

76. Q. And from the color of the ticket did you judge he voted for Mr. Mason?—A. Yes, sir, or blank.

77. Q. And when he voted was there considerable excitement?—A. There was some.

78. Q. And how many, should you judge, gathered around him and the polls at the time he voted?

(Objected to as immaterial. Objection overruled.)

A. I should think twenty-five, more or less.

79. Q. You mean that number beside the members of the board?—A. I should think so.

80. Q. Please name those twenty-five?—A. I cannot remember them all.

81. Q. Name those you do remember.—A. Mr. Hollingsworth was one; Mr. Cushman, Mr. Kennedy. I don't remember any others.

82. Q. Did you look specially to see who were there?—A. No, sir; that was not my business.

83. Q. Then I assume that you did not look to see if Judge Mason was in the crowd, did you? If so, state why you looked.—A. No, sir; I did not.

84. Q. And if he had been in the room at that time, would it have been anything unusual for him?—A. I can't say.

85. Q. Had he not been here much of the day?—A. A portion of the day.

86. Q. And did you see him talking with voters, peddling tickets, and taking an active part in the canvass?—A. Yes, sir. I did not see him peddling tickets. I don't know as I ever did.

87. Q. What time did the polls close?—A. Polls close at sundown—about five o'clock.

Adjourned to 1.30 p. m.

Examination resumed:

88. Q. What time did you go to tea?—A. About 4.30 p. m. Welton went at four, and I went when he returned.

89. Q. Did you notice just the time?—A. No; it was about 4.30.

90. Q. How long were you gone?—A. Fifteen minutes. I did not have so far to go as Welton.

91. Q. How far did he have to go and how far you?—A. He had to go fifty rods about, and I should judge I had about forty-five to go.

92. Q. Where was Judge Mason when you left?—A. I can't tell. I think he was in the hall; am not sure.

93. Q. Was there anything said about Judge Mason's going to tea?—A. I think he told Welton he would have to go to tea before canvassing.

94. Q. Was that before you went to tea?—A. Yes; and I think before Welton went to tea.

95. Q. And consequently before or about four o'clock?—A. Yes.

96. Q. And soon after that you saw Mason apparently leaving the polls toward the street?—A. Yes; but I did not see him when he left the hall.

97. Q. I assume from your answer, then, that you could not say that he left the hall at all between the time you said he said he should have to go to tea and the time the polls closed?—A. No; I can't.

98. Q. And are you able to say he was not present when the negro voted?—A. No, I can't say he was not present.

99. Q. Can you swear to any more than this, that you don't remember of seeing him?—A. That is all I can say, that I do not remember seeing him when the negro voted.

100. Q. The negro's vote was the last vote polled, was it not?—A. Yes; and was the 500 vote.

101. Q. And there seemed to be some anxiety, did there not, to get that 500 vote?—A. Not that I know of.

102. Q. After the negro voted, how long before you commenced to count the tickets in the State box?—A. Not over two minutes.

103. Q. Do you agree with others in saying that at about the time that you commenced to count the tickets in the State box was when Judge Mason took a seat at the table?—A. We had counted the votes before he sat down opposite me.

104. Q. How do you remember that?—A. Because when he sat down there was room made for him; and I think he asked Mr. Van Slyck the number of votes in that box, as Van Slyck kept tally.

105. Q. Are you sure that he asked any one that?—A. No, I am not positive.

106. Q. Then how can you be positive that it was at that period of time that Mason sat down at the table, if those are your only reasons why you think so?—A. Because I know we were about to open the State ballots, after they had been counted and compared with poll-list.

107. Q. What was there at that time which makes you positive that he sat down then?—A. Because they made room for him to sit down, causing a stir.

108. Q. Would there not have been the same stir necessarily if he had sat down at any other time during that canvass?—A. Not if he had sat down when we all sat down.

109. Q. If he had sat down at any time after you had taken your seats and commenced to work, would there not necessarily have been the same stir as though he had taken his seat when you commenced to open the ballots?—A. No more so; only as the crowd collected.

110. Q. He was given a chair between some of you, was he, who were at the time sitting at the table, was he?—A. Yes, sir.

111. Q. Between whom?—A. Mr. Van Slyck and Welton.

112. Q. And what you mean by stir, I take it, is that you all moved, or as many of you as was necessary, to make room for one more seat around the table?—A. Yes, sir.

113. Q. Then there would have been the same stir at one time as another after you sat down?—A. Yes, sir.

114. Q. What, then, was there in the stir which fixes the period in your mind as to when he sat down?—A. Nothing.

115. Q. If there was nothing in that which fixed the period, why have



you given that as one reason why he sat down at the beginning of the opening of the votes?—A. Because I thought I knew what I was doing when he sat down.

116. Q. What were you doing when he sat down?—A. We were opening ballots.

117. Q. Are you positive as to that?—A. I am pretty positive.

118. Q. Will you swear positively that that is what you were doing when he sat down?—A. I will, sir.

119. Q. Why, then, did you hesitate so long before saying that you would be positive?

(Objection: Question propounded to annoy witness, and immaterial. Overruled.)

A. Nothing more than to think it over.

120. Q. Did you then think, suspect, or believe that the time of his taking his seat would ever come in question thereafter?—A. No, sir.

121. Q. State again, then, after thinking over, all the reasons which make you believe that he took his seat at the time stated by you.—A. I know the chair was reserved for him, and we had counted the ballots. I am pretty sure, when he came in, and was opening, or about to open, the ballots, to the best of my remembrance.

122. Q. Can you give any stronger reasons why you think that was the period than you have now just given?—A. No, sir.

123. Q. How long do you think it took you to count those ballots?—A. Not over one minute and one-half.

124. Q. Then I assume that from the time that the negro voted to the time when Mason took his seat it was about three and one-half minutes?—A. Not any. You are mistaken.

125. Q. Have you testified that you commenced to count the votes in about one minute after the negro voted?—A. No, sir.

126. Q. Have you testified that it was about two minutes after the negro voted that you commenced to count the votes?—A. Yes.

127. Q. Then have you also testified that it took about one and a half minutes to count the votes in State box?—A. Yes.

128. Q. Then, sir, is it not true that it was about three and a half minutes between the time that the negro voted and the time when Mason took his seat at the table?—A. I will not swear to the time; but as near as I can judge it was; but it might have been five or ten minutes.

129. Q. Were you on the south or north side of the table?—A. South side.

130. Q. I understand you to state that you did not observe Mr. Mason until he came near the table?—A. Yes, sir.

131. Q. And how near the table was he when you first observed him?—A. He was just back of Mr. Van Slyck, about three feet from table.

132. Q. And standing there?—A. Don't know whether he had stopped or not. I had not noticed him before.

133. Q. State all he said, as near as you can, on that occasion, from the first time you saw him there up to the time you finished the count.—A. I don't remember anything he said. His conversation was not directed to me in particular.

134. Q. State one word or sentence, if you can, that he used during the entire time he sat there.—A. I remember that he said "Thank you" to Mr. Welton as he sat down.

135. Q. Anything else that you remember?—A. He remarked there was quite a large vote polled.

136. Q. What else?—A. Probably said more, but I can't remember.

137. Q. Can you say but that Judge Mason had been in that hall during the fifteen minutes next previous to the time when he sat down at the table?—A. I could not say he was not.

138. Q. Were you attending to your duties as inspector at that time?—A. Yes.

139. Q. I understood you to say that Mason was talking with Van Slyck and Welton and that you were attending to your business and not paying attention to their remarks; am I wrong?—A. I so testified.

140. Q. How then can you state positively that Mason did not use the remark attributed to him, if you were attending to your duties and not to what they were saying, and yet you state they were talking among themselves, but cannot state what they were saying?—A. If it had been loud enough that I could have heard it I should probably have heard it.

140½. Q. Will you swear positively that he did not use the remark George Beal has testified to hearing?—A. No; I will swear positively I did not hear it; and I will swear positively that I do not remember of hearing it.

141. Q. If you cannot remember anything that was said between those gentlemen, is it not as far as you dare go as a witness that you do not remember it?—A. Yes; I should not want to go any further.

142. Q. Were your eyes during that period on Judge Mason or on your ballots?—A. On the ballots.

143. Q. Then will you swear that as he made the remark as Beal has testified to that Mason did not smile and snicker over it?—A. I cannot swear positively; but I did not see him.

Redirect-examination by J. E. SMITH:

144. Q. Your hearing is good, is it not?—A. Yes, sir.

145. Q. Now, sir, if such a remark as George Beal testified Judge Mason made at the table had been made in an ordinary tone of voice would you have heard it, or been likely to have heard it?—A. Yes, sir.

146. Q. Now, sir, at the time the negro was challenged the counsel asked you if there was a good deal of excitement. Was there any unusual excitement or more excitement than there usually is when a vote is challenged?—A. I did not notice any more.

147. Q. At the time the negro voted had the usual proclamation that the polls would be closed in ten minutes been made?—A. No, sir.

148. Q. Do you know or did you take any notice to see just how long it was after the negro voted before the polls were closed or before you commenced to count the votes?—A. No, sir.

149. Q. Were there members of both parties present when that vote was challenged?—A. I think there was.

150. Q. The counsel asked you to name those that were present, and you named Hollingsworth, Cushman, and Kennedy; and was Mr. Leonard and Mr. White in the room?—A. I don't remember.

151. Q. Do you remember of making any remark or having any conversation while sitting at the table on that occasion in which the word "quick" was used? if so, please state that conversation.—A. No, sir.

152. Q. Did you have any conversation there? if so, state it.—A. No, sir.

153. Q. Did you there in the hall?—A. No, sir.

Recross-examination by S. D. WHITE:

154. Q. What is that proclamation?—A. The proclamation: "Hear ye, hear he, the polls of this election are now closed."

155. Q. Then, as I understand you, the only proclamation that was made is the one you have just given?—A. Yes.

156. Q. And immediately after Hollingsworth voted that proclamation was made?—A. Yes.

157. Q. And do you still say that you think it was about three and one-half minutes between the time that Hollingsworth voted and the time that Mason took his seat with you?—A. Yes; I can't tell exactly.

Redirect-examination :

158. Q. Can you swear positively that it was not fifteen minutes?—A. No, sir.

J. C. WALDRON.

Subscribed and sworn April 3, 1879.

CHAS. W. UNDERHILL,  
Notary Public for Madison County, N. Y.

*Deposition of Joseph Stevens.*

APRIL 4, 1879.

JOSEPH STEVENS sworn.

1. Question. Where do you reside, and how long have you resided there?—Answer. In town of Madison, four miles from this village.

2. Q. Where were you living at the time of the last general election?—A. In Hamilton Village.

3. Q. And how long had you lived in Hamilton Village?—A. About eleven years.

4. Q. How long have you been acquainted with Judge Mason?—A. Thirty years.

5. Q. During that time how near have you lived to him?—A. During the last ten or eleven years about twenty rods, and before that about five miles.

6. Q. Has he done business for you?—A. I can't say.

7. Q. What is your politics?—A. A Democrat.

8. Q. For how many years have you voted the Democratic ticket?—A. About twenty-five years.

9. Q. For whom did you vote for Representative in Congress at the last election?—A. Mr. Mason.

10. Q. What impelled you to his support in preference to the support of Sebastian Duffy?—A. I don't know as it was anything more than acquaintance.

11. Q. What time in the day did you vote, Mr. Stevens?—A. I can't say. I think it was in the afternoon.

12. Q. Did you see or know of any improper influence being brought to bear in that election in behalf of Judge Mason?—A. I did not.

13. Q. Had you any reason to believe at the time of the election that either Judge Mason or his friends were resorting to the use of money or any other corrupt or illegal means wherewith to effect his election?—A. Not of my knowledge.

14. Q. Did you after the election hear it rumored or charged upon the streets in Hamilton that stories had been set afloat to the effect that Judge Mason or his friends had resorted to the use of money on election day?—A. I think there was such a rumor.

15. Q. How soon after the election did you first learn of such a rumor?—A. I can't say whether it was one day or a week.

16. Q. Did you understand at the time that Judge Mason and his friends denied the truthfulness of that rumor and claimed that no improper influences had been brought to bear?—A. I can't say.

17. Q. To what do you attribute, if anything, the existence of those rumors?—A. To there being two parties.

18. Q. Have such rumors been frequently charged by defeated partisans ever since you became a voter?—A. Yes, sir.

19. Q. And by all parties?—A. Yes, sir.

20. Q. Then, the existence of those rumors in Hamilton you did not deem as anything unusual or different from what they had been on former occasions?—A. No, sir.

21. Q. I understand you attached to them no importance whatever?—A. No, sir; I did not.

22. Q. Did you regard them at the time and do you still regard them as nothing more than political gossip?—A. I did at the time.

23. Q. Have you had reason since then to change your mind upon that subject?—A. I have no reasons.

24. Q. From your long acquaintance with Judge Mason and the further fact that you gave him your support, I assume that you regard him as an honorable, just man; am I correct?—A. I have regarded him as such.

25. Q. And have you so regarded him during all the time that you have known him?—A. I have.

Cross-examination :

26. Q. You have stated that you still regard these rumors as nothing more than political gossip. I now ask you if you heard the evidence given in this contest?—A. But very little.

27. Q. I suppose, then, you have founded your belief in the truth of those rumors, not from the evidence, but from your want of knowledge of the corrupt use of money.—A. Not from the evidence, and not from anything I knew.

28. Q. Then am I correct in this: that you base your belief upon the fact that you saw no money used?—A. Yes.

29. Q. You had a conversation with Mr. White at the Eagle Hotel soon after this contest commenced?—A. Yes.

30. Q. And did you there advise me to put Charles or Jack Kelloway upon the stand?—A. I can't say whether I advised you or not.

31. Q. Was there something to that effect?—A. I think there was.

32. Q. Did White say in substance to you in reply, if he was bought he will deny it; that that was the universal rule?—A. I have heard you make that remark, but can't say when.

33. Q. Did you say to me in substance: no, he won't; he dare not?—I think I did.

34. Q. Did you further say in substance: you put him on the stand and I will be present, and he will not deny it when he looks me in the eye?—A. No; I don't think I did.

35. Q. Will you say that you did not?—A. No.

36. Q. You may state what you did say as you remember it upon the point that you would like to hear him sworn.

(Objected to; immaterial and incompetent and hearsay. Objection sustained; Scranton dissenting.)

A. I think the words I used was: I would like to hear him sworn; I would like to hear what he would testify to.

37. Q. Did you say anything about standing in front of him and looking him in the eye?—A. I said I would like to be present; don't remember about the eye.

38. Q. Did you say, "I would like to look him in the face when he was sworn"?—A. I would not say that I did not.

39. Q. Did I say or intimate to you in that conversation that I wished you would tell me all about it?—A. I don't remember.

40. Q. Would you say that I did not?

(Objected to as before; same ruling.)

A. I would not say.

41. Q. Did I then, in a joking way or otherwise, intimate to you that you had a hand in it, and did you not reply in substance: it was not myself, but it was one of your own (meaning Mr. White) profession who did it; and then added: you need not guess any further?

(Objected to as before, and further that no agency or privity has been established between contestee, witness, or Counselor White whereby such a conversation can bind Judge Mason. Same ruling.)

A. I can't say; but if I did it was only in a joking way.

42. Q. Why, if there were no grounds for it, did you desire to hear Kelloway sworn?—A. Because he was such a strong Greenbacker a day or two or two or three days before.

43. Q. You did then regard his sudden change a suspicious circumstance, did you not?

(Objected to as before; same ruling.)

A. I don't know as I can answer it yes or no.

44. Q. Why, then, did you want to hear him sworn because he was such a strong Greenbacker a day or two or two or three days before election, if you were not anxious for an explanation for the sudden change?

(Objected to as before; same ruling.)

A. It was for an explanation.

45. Q. I assume that you thought the sudden change needed an explanation; am I right?—A. Yes, sir.

46. Q. And had you heard talk and charges made that he had been bought to vote for Mason?—A. Yes, sir.

47. Q. And had you heard the same thing in connection with the Kelloway boys?—A. Nothing more than what I had heard him say.

48. Q. You had heard Charles Kelloway say that he and his brothers were all opposed to Mason, had you not?

(Objected to. Immaterial, incompetent, and hearsay. Same ruling.)

A. I heard him say that he and none of the family were going to vote for him (Mason).

49. Q. Did he say that, exhibiting much personal feeling toward Judge Mason?

(Objected to as before, and also calling for the conclusions drawn by the witness instead of facts. Same ruling.)

A. He seemed to be a good deal in earnest.

50. Q. Was he then, as you understood him, a Greenbacker?—A. Yes.

51. Q. And as you understood, the whole family were?—A. Yes.

52. Q. And did he state that there was some personal feeling?—A. I don't think he did.

53. Q. Did he not state at some of those times in substance that Mason had not properly treated him while employed upon his, Mason's, house?—A. I think not.

54. Q. Have you not heard it stated that he and other help had some feeling on that account?

(Objected to as incompetent and hearsay. Same ruling.)

A. I don't remember that he did.

55. Q. When conversing with him he did not, did he, speak positively in opposition to any other Republican candidate than Mason?

(Same objection. Same ruling.)

A. He did not.

56. Q. You have said he spoke earnestly in opposition to Mason, and



so earnestly that you thought his conduct required an explanation. Now please state what he did say which was so positive.—A. He said he would not get his vote, nor none of the family.

57. Q. Is that all?—A. Yes.

58. Q. Was there not an oath with it?—A. I can't say.

59. Q. State the members of that family that are voters.—A. There are six of them voters.

60. Q. Name them, please.—A. Isaac Kelloway, Charles, George, James, William, and Frank Kelloway.

61. Q. William has been a saloon-keeper much of his life, has he not?—A. Well, for a number of years.

62. Q. Has James also been in the saloon business?—A. Yes.

63. Q. In this village?—A. Yes.

64. Q. Now, they are all strong, muscular men, are they?

(Objected to as immaterial. Same ruling.)

A. Yes; for anything I know.

65. Q. Is this Charles or Jack the largest of the tribe?

(Objected to as before, and further, for the reason that contestee has now but little more than one day remaining to him in which to take testimony under the statutory limit; that he has a large number of witnesses yet to examine, and cannot afford to have that taken from him by frivolous, foolish, and improper matter, and purposely-extended cross-examination, any longer. Same ruling.)

A. He is the tallest. I don't know as he is the heaviest.

66. Q. And is it generally stated in this community, or have you heard it stated, that as one voted all voted?

(Objected to as immaterial, incompetent, calling for hearsay, frivolous, and only designed to prevent contestee from proceeding with his evidence.)

A. I don't remember of hearing it so stated.

67. Q. Have you ever known them to vote differently upon any subject?

(Objected to as before. Same ruling.)

A. I have not.

68. Q. And is Charles or Jack, so far as you know, the most of a politician of the tribe?

(Objected to as before. Already in evidence that William Kelloway belongs to no tribe; is one of the fathers. Same ruling.)

A. I should judge he was.

69. Q. And is not that why you thought or suspected that if there was any purchase of the family or anything wrong connected with their vote that he would be likely to know the most about it, and was that the reason why you wanted me to put him upon the stand in this contest?

(Objected to as immaterial and incompetent; witness not competent to speak, and only designed to use up time. Same ruling.)

A. I don't know that I took thought about it so far.

70. Q. Did you introduce that conversation at the Eagle Hotel to me or I to you?—A. I can't say.

71. Q. We were alone, were we?—A. Yes.

72. Q. There was no request on your part to keep anything you had said private, was there?—A. Not as I know of.

73. Q. As we parted did you say this, or this in substance, to me: that there was no doubt but there had been money used, and don't you fail to call Charles Kelloway?—A. I don't think I did.

74. Q. Did you afterwards speak to me on the subject near Woodruff's

store?—A. We came along from Eagle Hotel and to or near Root Bros'. store, talking that matter over.

75. Q. Did we stop near Lippitt's store and talk this matter over?—A. Yes; near Lippitt's.

76. Q. Did you introduce the same subject again?—A. I think not.

77. Q. Did I?—A. I think not. I think we talked about the result of this contest.

78. Q. Did you then and there express the idea that you thought Mason would be unseated?—A. No; not that I know of.

79. Q. Did you, near Woodruff's store, call my attention to the fact not to forget to call this Jack Kelloway?—A. Not to my knowledge.

80. Q. Now, had you had more than one conversation with this Jack or Charles Kelloway, in which he said that neither he or any of his family would vote for Mason?—A. I think not.

81. Q. When was that?—A. A short time before election.

82. Q. In the conversation at the Eagle Hotel did you not state that it was the Sunday evening before election?—A. I don't know that I stated it at all.

83. Q. And that they were bought on Monday evening?—A. No, sir.

84. Q. And that you knew who bought them?—A. No, sir.

85. Q. How long an interview did you and I have at Eagle Hotel on this subject?—A. I should think five or ten minutes.

86. Q. And did we talk the most of that five or ten minutes upon that subject?—A. The most we said was upon that subject.

87. Q. Now, please state all we said upon that subject in that five or ten minutes.—A. I think I have.

88. Q. Then state it again, please.—A. I did not remember until you put me in mind of it here that we had any conversation. I don't know that I could state the commencement or the ending of the conversation.

(Same objection. Same ruling.)

89. Q. Was it just after the contest at Eagle Hotel had just commenced?—A. I think it was.

90. Q. Was it at an intermission?—A. I think it was after you had adjourned at night.

91. Q. Have you any reason to believe that I knew you had any desire to have Charles Kelloway called before that interview?—A. I don't know that I have.

92. Q. Then state who commenced the conversation and give it.

(Same objections. Same ruling.)

A. I think I commenced the conversation about Mr. Kelloway. I said I would like to hear his testimony upon the stand, and I would like to be present when he was giving his testimony. I don't know as I remember anything more. I asked you, I think, why you did not bring him on to the stand. I don't remember your reply.

93. Q. Did I not say in reply in substance, "No; I shan't put him on the stand, for if he was guilty he would deny it"?—A. Yes; I think that was it.

94. Q. What did you reply to that?—A. I think I said he would not dare to swear to anything but the truth, or I did not believe he would swear to anything but the truth. I might have used both forms; we talked about it.

95. Q. What did White say in reply to that?—A. I can't say.

96. Q. Let me refresh your memory. Did I not say with emphasis, "You are mistaken. Any man who will be bought will swear he was not"?—A. Yes; that remark was in the conversation.

97. Q. When White had said that, what did you say ?—A. I don't remember. I think we came out of the hotel then.

98. Q. Will you say that the balance of the conversation, as I have heretofore asked you, was not the correct one either while in the hotel or while on our way toward center of village ?—A. That conversation was in the hotel and on the streets as we came toward Lippitt's.

99. Q. Do you think you have given it all ?—A. Yes ; in relation to Kelloway.

100. Q. Then I will again put you this question. Will you say that you did not say in words or in substance, you put him on the stand and I will be present and look him in the eye as he is giving his testimony ?

(Objected to. All been gone over and witness has answered that he did not, to this very question.)

A. No ; I will not say that I did not, for I can't remember.

101. Q. Will you swear positively that you did not then and there say to me that you did not do the work, but that one of my own profession, meaning a lawyer, did do it ?

(Objected to ; precise question propounded and answered before twice ; immaterial, incompetent, hearsay, and only put to rob contestee of his time. Same ruling.)

A. I can't be positive, but if I did I was joking.

102. Q. Have you heard of the champion joker of Oswego City, Sam. Burchard ?

(Objected to ; assuming a fact not proven ; immaterial, incompetent. Objection sustained.)

103. Q. You say you were joking if you said it. In all seriousness and candor, without mentioning names, did you not then and there intimate the name ?—A. No, sir ; I would not, White, for I had no such idea.

104. Q. Were you joking during this whole conversation to me ?—A. No, sir ; O, no.

105. Q. Do you know the handwriting of this Kelloway or any the rest of the tribe ?—A. No ; I don't think I would. I have seen his writing, but I could not swear to it.

106. Q. Jack or Charles, as you call him, was hard at work on election day, was he not ?—A. I was not there but little ; I do not know.

107. Q. Was he at work for Mr. Mason ?—A. He did.

108. Q. When you was there was he talking loud ?—A. No.

109. Q. How long were you at the polls in all ?—A. I was there several times, somewhere from fifteen minutes to an hour in all.

110. Q. Did you peddle Mason tickets ?—A. No ; I did not.

111. Q. Did you attend the Democratic caucus at Eagle Hotel ?—A. Yes ; I was there.

112. Q. Were you there until it was through ?—A. I think I was.

113. Q. Were you appointed a poll driver ?—A. I think not.

114. Q. Will you swear that you were not, and that, too, in your hearing, and you accepted it ?—A. No, I will not swear that I was not, but if I was I had forgotten it.

115. Q. Do you remember of any resolution being passed at that meeting to the effect that the poll drivers should peddle no split tickets ?—A. I don't remember it.

116. Q. Will you swear there was not in your presence ?—A. No, I will not.

117. Q. Was Austin Tibbitts there ?—A. Yes ; I think he was.

118. Q. Did you make known there that night that you was a Mason man ?—A. I did not.

119. Q. Did either Mr. Leppett or Tibbitts, to your knowledge?—A. They did not.

120. Q. Were you aware that night in that caucus that either of them was to betray their ticket the next day?

(Objected to; immaterial, incompetent and no betrayal of the Democratic ticket to vote for Judge Mason, who was in accord with the Democratic party, in preference to Sebastian Duffy, who was in discord with that party upon the only issue in the canvass, as explained by Dr. Dodge, Prof. Andrews, and the respective political platforms bear witness. Same ruling.)

A. No.

121. Q. After that meeting where did you go, Mr. Stevens?—A. Really I can't tell.

122. Q. Did you not go to Mr. Wellington's room?—A. I think not.

123. Q. Will you swear you did not?—A. I am positive I did not.

124. Q. Then if you are positive you did not, then where did you go?—

A. I can't say.

125. Q. Did you go away that night with Charles Wilcox?—A. I don't think we did. I am quite positive I did not that night.

126. Q. What night was that caucus?—A. Monday evening.

127. Q. Did you and Charles Wilcox go into the east part of the town the next day?—A. No, sir.

128. Q. Did you on Monday.

(Objected to as immaterial and incompetent.)

129. Q. Did you, within three days of election, go into the east part of the town with Charles Wilcox?

(Objected to same as before; same ruling.)

A. I don't remember I have no recollection of going.

130. Q. Before that caucus at the Eagle Hotel did you understand that Wilcox meant to support Mason?—A. I think I did.

131. Q. Did Wilcox there make that known, to your knowledge?—A. No, sir.

132. Q. Was he appointed a poll-driver at that meeting?—A. Yes; I think he was.

133. Q. Did not Wilcox and Tibbitts at that meeting, either while it was in session or before or after it, there talk in favor of Mr. Duffy and against Mr. Mason?—A. I don't know that Wilcox or Tibbitts did. Mr. Wilcox and I had a conversation before the meeting. I don't remember that we did.

134. Q. Will you say that you yourself did not?—A. No, sir; I will not.

135. Q. And yet you were intending to support Mr. Mason?—A. Yes.

136. Q. Intending to support Mr. Mason, attending that meeting, not declaring your intentions to it, why can you not say that you did not talk in favor of Mr. Duffy?—A. Because I supposed I had a right to; a right to go into that meeting and not say anything about Mr. Duffy or Mr. Mason, either one.

137. Q. You have stated that you would not swear but that you were appointed a poll-driver at that meeting, nor but that there was a resolution passed in your presence that the poll-drivers should peddle the whole ticket, and that you did not to any one there declare your intentions to support Mr. Mason, but that you did intend to support him when you went there. State, if you please, what moral right you had, if any, to do that.

(Objected to. The preamble is not founded in fact, and only thrown in here to consume time; immaterial and incompetent.)

A. I supposed I had a right to go into that meeting, and I supposed I had a right to vote as I was a mind to after that.

138. Q. Did not you go there for the express purpose of deceiving the members of that caucus, and intending to get the position of poll-driver in the interest of Joseph Mason, and for the purpose of betraying the interests that that caucus was called to promote? And have you not since that caucus laughed about it, and boasted over it, in the village of Hamilton?—A. I did not go for any such intention. I don't know what others done.

Redirect examination :

139. Q. You have been intimately acquainted with Counselor White for how many years?—A. Fifteen years.

140. Q. During the past 10 years what has been your business in the village?—A. I own a farm about four miles out, and I am there sometimes, and I buy hops and sell.

141. Q. Has Mr. White done business for you?—A. Yes, as an attorney.

142. Q. This conversation between you and Counselor White, I take it, was a friendly conversation between you?—A. Yes.

143. Q. Had you imparted to Counselor White a fact with reference to Kelloway deemed important to the interests of Mr. Duffy, how do you account for the fact that Counselor White did not call you as a witness to prove that fact in the interest of his client?—A. I can't.

144. Q. Was Mr. White at that time just commencing the taking of testimony in behalf of Mr. Duffy?—A. I think he had been at work two or three days.

145. Q. And did he continue to take testimony after that conversation in behalf of Mr. Duffy at the hotel?—A. He did as far as I know. I think he did.

146. Q. Did you know of their taking testimony at the Eagle Hotel for several days after that?—A. Yes, sir; I can't say how long.

147. Q. Do you remember who was on the stand at the time of this conversation?—A. I think Stapleton.

148. Q. Was it the commencement of his testimony?—A. I can't say positively.

149. Q. How long have you known Charles and William Kelloway?—A. Fifteen years.

150. Q. And have you known the whole Kelloway family for that time?—A. Yes; I think I have.

151. Q. They have been repeatedly called a tribe or the Kelloway tribe by Counselor White; are they not a reputable family?—A. They are so far as I know.

152. Q. Do you know of any reason why they should be called a tribe?—A. To give them a nickname, I suppose.

153. Q. Have you reason to believe that the members of that family have ever been called a tribe before?—A. I can't say. I think I have heard them called so before.

154. Q. By whom?—A. I can't say.

155. Q. Any one but Counselor White can you name?—A. I don't think of any one now.

156. Q. Was the question with reference to the support of Sebastian Duffy, the Greenback candidate; brought in question there in the caucus?—A. I think not.

157. Q. Did you support the Democratic State ticket and the rest of the Democratic ticket except Mr. Duffy?—A. I did.

158. Q. Did any one assume to question your right to vote for Mr. Mason ?—A. No, sir.

159. Q. Did any one question your right to vote for Mr. Mason on election day ?—A. No.

160. Q. Have you heard any one say that money was used in behalf of Mr. Duffy ?—A. I think I have.

161. Q. State what you have heard on that subject.—A. I think I have heard Mr. Lamoree say so in court.

162. Q. Did you ever hear Mr. Leppett say anything about his using money on election day ?—A. No, sir.

163. Q. Have you heard any of the Democratic poll-drivers say they were paid for their services on that day or not ?—A. I have not.

164. Q. You and Wilcox, you say, had a conversation before the meeting about supporting Mason ?—A. Yes.

165. Q. State that conversation.—A. I think I told Mr. Wilcox that I should vote for Mr. Mason, and he should do the same ; that was all.

166. Q. Did you believe that Charles Kelloway would tell the truth if called by Counselor White to give his deposition ?—A. I thought he would if I was present.

167. Q. What had your presence to do with it ? Did you believe he would not tell the truth if you were not there ?—A. I did not know. I could tell better if I had heard him sworn.

168. Q. Did you hear Mr. Duffy's speech just before the election ?—A. I did not.

169. Q. Will you swear that Charles Kelloway told you that he was a Greenbacker at any time after Duffy made his speech ?—A. I think he did.

170. Q. Will you swear positively that he did ?—A. I think he did.

171. Q. Don't you know that Charles Kelloway, immediately after Duffy made that speech, sent word to Judge Mason through Mr. Foster, the insurance agent, and also through another gentleman of this village, that he should support him for Congress ?—A. I don't know.

172. Q. Do you know that he did not so send ?—A. I do not.

173. Q. Do you know of one thing Kelloway did for Mr. Duffy after that meeting ?—A. I don't know as he done anything.

174. Q. I now ask, again, if you will swear positively that your conversation with Kelloway, in which he said he should not vote for Mason, did not take place before the Duffy meeting ?—A. I know it was after the speech.

175. Q. How long was it after the speech that he told you he would not vote for Mason ?—A. I think it was the Sunday evening before election.

176. Q. Will you swear positively that you saw Kelloway Sunday evening before election ?—A. I think it was.

177. Q. Did you meet Kelloway very often ?—A. Yes.

178. Q. And did you talk with him on politics often ?—A. I think I did.

179. Q. Now are you able to divide those conversations ?—A. I am not.

180. Q. If you are not able to divide those conversations are you able to state that Kelloway told you he was a Greenbacker on the Sunday night before election ?—A. I think I am.

181. Q. Was there any one present ?—A. No, sir ; only he and myself.

182. Q. Do you say he told you Sunday night he should not vote for Mason ?—A. Yes.

183. Q. The only thing that attracted your attention was that after

what Kelloway had told you that he had made up his mind to support the Republican ticket, and did so, and now you wanted him, as I understand, to explain how he came to do so?—A. Yes, sir; I wanted to know why.

184. Q. Did you know of anything, aside from that change, which reflected in anyway upon Kelloway's political action?—A. No, sir; I did not.

185. Q. Did you know of your own knowledge how Kelloway's brothers stood, and his father, on the Greenback question?—A. I heard James say that he should not vote for Mr. Mason.

186. Q. Did you hear any other one of the family say so?—A. I don't know that I did.

187. Q. Every voter in that family had been Republican for many years past, had they not?—A. Yes; for anything I knew.

188. Q. You have been asked if there was not about time a little feeling existing between Charles Kelloway and Judge Mason, arising out of Kelloway's connection of the building of Mason's house; is that not true, as you understand, and have you not heard that some unpleasantness grew out of Kelloway's work upon that building?—A. I never heard of it.

189. Q. Then you do not know that mutual explanations passed between some of Mr. Mason's friends, of a perfectly proper character, which resulted in a restoration of friendly feeling, do you?—A. I do not.

190. Q. Do you know that such is not the case?—A. I think it is the case that they became friendly, but I don't know it.

191. Q. Do you know when that restoration of a friendly feeling took place?—A. I think the Monday before election.

192. Q. Had Mr. Kelloway in your presence testified that his feelings toward Mason had been changed through a mutual restoration of friendship of a perfectly proper character between him and Mason, would you, then, have thought it strange that he should vote for Mason?—A. I should not.

APRIL 5, 1879.

## Examination :

193. Q. I understand this conversation between you and Counselor White commenced in the bar-room of the Eagle Hotel, and was continued after you and Counselor White left the hotel, had gone into the street and were on your way toward W. K. Leppitt's store?—A. Yes, sir.

194. Q. That the conversation lasted from five to ten minutes, you think?—A. Yes, sir.

195. Q. And that that is the only conversation you remember of ever having with him on the subject?—A. Yes, sir.

196. Q. Why did you go in the direction of W. K. Leppitt's store; did you go into the store?—A. I think I went into Root's, on the corner.

197. Q. You may now give, if you please, both what you said and what Mr. White said on that occasion as near as you can now remember it and in the order in which it occurred.—A. I said to Mr. White I would like to hear Mr. Kelloway sworn; he asked why, and I told him "Because I would." I told him I would like to be present and hear him sworn. I think he made the remark, if he had been bought he would not swear to it if he put him on the stand. I think that is all that was said there in the house. Mr. White asked me, as we came over town, "I understand you are the one who got Mr. Kelloway, or hired him, to vote for Mr. Mason." I said, "No; it was or must have been a man of your profession." I don't know as we said anything more.

198. Q. And I understand you to say that this remark, "No; it must have been a man of your profession," was only a jocular expression, and that you did not intend to attach any serious meaning to it?—A. No, sir; I did not.

199. Q. I understand you further to say that you at the time was certainly joking, because you had no man in your mind whom you believed had bought Kelloway?—A. Yes, sir; that is my meaning.

200. Q. I also understand you to say that you know of no money or other consideration having been paid to Charles Kelloway, or to any member of the family?—A. I have no knowledge of it.

201. Q. Did you not think it strange at the time of that conversation that Counselor White should assume to say that if Kelloway had sold himself he would deny it under oath because that was the general rule?—A. He said if he had accepted money he would deny it.

202. Q. Under that rule, as you understood it, did you not understand that however innocent a man might be, and however worthy of credit, if Counselor White or Mr. Duffy should assume to charge the witness with having violated the election law, the individual could not swear to the truth in his own vindication without also incurring the further charge, from the same source, of perjury?—A. I cannot say as to Mr. Duffy.

203. Q. Can you conceive of any way in which an innocent man could vindicate himself under that rule?—A. I don't know how.

204. Q. On your cross-examination, Counselor White asked you this question: "Did I (meaning White), in a joking way or otherwise, intimate to you that you had a hand in it?" meaning in the purchase of Kelloway. I will now ask you if you concur with Mr. White in the suggestion that he was joking as well as yourself?—A. I do.

205. Q. Then you regarded what was said on that subject relating to the purchase of Kelloway as a simple matter of joking on both sides?—A. I did.

206. Q. As I understand you, you have no knowledge that Kelloway was bought?—A. No, I have not any knowledge.



Recross-examination by S. D. WHITE:

207. Q. Have you heard the Kelloway family called the Kelloway tribe by others than Mr. White, and before you heard them thus designated upon this trial?

(Objected to—immaterial. Objection sustained; Scranton dissenting.)

A. I could not say, sir.

208. Q. Did you not say last evening, "I think I have heard them called so before this investigation"?—A. I might.

209. Q. Is it true that you have?—A. I can't say.

210. Q. Is it your best recollection that you have?—A. I can't say.

211. Q. I understood you to say that soon after Mr. Duffy's speech you saw Mr. Charles Kelloway, and that he said he liked the speech; am I right?—A. Yes, sir.

212. Q. How soon after the speech was it that you heard him say?—A. I think it was the next day.

213. Q. What further did he say beside he liked the speech?—A. He said I ought to have been there; don't remember anything further.

214. Q. I understood you to say last evening that after that speech he tried to get you to go into the Greenback club-room?—A. It was before.

215. Q. Did you decline?—A. Yes, sir.

216. Q. Did he urge you on more than one occasion?—A. I can't say. I think not.

217. Q. Did he not try to get you to attend a Greenback meeting at Poolville after Duffy's speech here?—A. I think he did.

218. Q. And is it not your best recollection that that was the Saturday evening previous to election?—A. I think it was.

219. Q. Do you know whether or not he attended?—A. I do not.

220. Q. Did he say he was going?—A. Yes, he said he was going over. He asked me to go over with him, and I told him I thought I would, but I did not.

221. Q. Why didn't you?—A. Perhaps I did not want to; perhaps I was busy.

222. Q. Did he see you again to see whether he was going with you or you with him?—A. I can't say.

223. Q. Did not you make an agreement to meet him?—A. I don't remember.

224. Q. When was the last time you saw Charles Kelloway before election?—A. I may have seen him on Monday or Monday evening.

225. Q. Do you recollect of seeing him Monday evening?—A. No, sir; I do not.

226. Q. Do you recollect of seeing him during the daytime Monday?—A. I think I did; would not say positively.

227. Q. Do you remember of having any conversation on Monday?—A. I do not.

228. Q. Did you see him the night or evening after election?—A. I think I did.

229. Q. Where did you see him?—A. At the Park House.

230. Q. Anywhere else?—A. I don't remember.

231. Q. Did you have any talk with him on the subject of election that evening?—A. I heard him say he came from Poolville with the returns.

232. Q. What else, sir?—A. He was talking about Mr. Mason.

233. Q. What did he say about Mr. Mason that evening? State all.

(Objected to as immaterial and incompetent. Objection overruled.)

A. Mr. Mason came in and took a glass of beer and did not ask either

of us to partake, and Kelloway spoke of it; and if there is anything further that Kelloway said, I refuse to give it.

234. Q. Did not Mr. Kelloway tell you, sir, about his change of vote from Duffy to Mason, and, sir, what he received for it?

(Objected to same as before; same ruling.)

A. I say, as before, I decline to answer.

235. Q. Did he not then and there tell you the price he obtained or that he was promised or that he expected to receive from Mason or some of his friends for a change of his vote from Duffy to Mason?—A. Same answer as before.

236. Q. Would what he said to you in any way compromise you or in any way show you guilty of an illegal transaction by the purchase of the Kelloway votes by Mason or his friends?—A. No, sir.

237. Q. Would it tend to implicate Kelloway as having been purchased?—A. I don't know what you mean by purchased.

238. Q. Would it tend to implicate Kelloway in having changed his vote for a consideration or the promise or expectation of one?

(Objected to—immaterial and incompetent; witness not obliged to give an opinion if he has a thousand. Objection sustained, Scranton dissenting.)

A. I decline to answer.

239. Q. Why do you decline to answer that?—A. Because I do.

240. Q. Does it implicate Mr. Mason or his friends, or those who you suppose to be his friends?

(Objected to—immaterial, incompetent; does not appear that Kelloway was authorized to speak or act for Judge Mason, and especially so after the election, or that witness knows who Judge Mason's friends are. Objection sustained; Scranton dissents.)

A. I decline to answer that.

241. Q. Did he not tell you the price that he was paid or was promised or that he expected from Mason or some of his friends, or some of those you suppose to be his friends, as a consideration for his change of vote from Duffy to Mason?—A. I still decline to answer.

242. Q. Do you decline any further to state that conversation between you and Kelloway?—A. No; if you don't ask for the whole thing.

243. Q. Please state all of that conversation that you are willing to state.—A. I don't know but I have.

244. Q. Have you?—A. I don't think of much more conversation than what I have stated.

245. Q. State what else there was said.—A. I have.

246. Q. That is all, you mean, except that which you decline to answer?—A. Yes, sir.

247. Q. Was not your interview with Kelloway this Sunday evening of which you have spoken with reference to Kelloway's change of vote?

(Objected to. Witness has repeatedly answered this question and given the entire conversation. Only propounded to consume time and to further insult the witness. Immaterial and incompetent. Objection sustained; Scranton dissenting.)

A. No, it had not.

248. Q. Was the object of that interview with Mr. Kelloway the Sunday evening before election with reference to his change of vote from Duffy to Mason?

(Objected to as before. Same ruling.)

A. It was not on my part.

249. Q. Did it on his part?

(Objected to.)

A. I can't say.

250. Q. Do you think it was?

(Same objections and same rulings.)

A. No, sir.

251. Q. Were you requested by Mason or any of his supposed friends to have this interview with Kelloway?—A. No, sir; not either of them.

252. Q. Were you requested by any one to see him or have an interview with him on that Sunday evening?—A. No, sir.

253. Q. Were you informed that he would like an interview with you?—A. No, sir.

254. Q. Had any part of that interview on that Sunday evening any reference to his change of vote?

(Objected to. Witness has just answered same question.)

A. No, sir.

255. Q. Was there any talk that Sunday evening about his changing his vote?—A. No, sir.

256. Q. At any time before election did you have an interview with him in relation to his supporting Mason instead of Duffy?

(Objected to.)

A. No, sir.

Redirect examination:

257. Q. Your attention has been called to a transaction occurring at the hotel in this village on the night of election and you have stated that Judge Mason came in and took a glass of beer; who came in with him?—A. No one that I noticed.

258. Q. Did Judge Mason speak to anyone?—A. He said good evening to Kelloway and myself as we stood there.

259. Q. Was that all he said?—A. Yes.

260. Q. Was it not a glass of ginger beer?—A. I think it was.

261. Q. If Kelloway's relation to Judge Mason had been such as has been claimed upon this examination, do you think Judge Mason would not have recognized him more warmly at that time?—A. I don't know; I voted for him and Kelloway worked for him and I thought he ought to have asked us to drink with him.

262. Q. Was not Kelloway particularly offended and did he not speak in an offensive manner about Judge Mason?—A. He seemed to take it that way; he spoke of it as we left the room.

263. Q. Mr. Stevens, in justice to Judge Mason, whom I represent, I will ask you to give all that was said there between you and Kelloway.—A. I still decline to answer.

(Contestee desires to state that he is willing and desirous that all the facts relating to that conversation, whatever they may be, may go upon the record, and if the witness declines it is a matter over which he has no control.

The contestant also states that he is also willing and anxious that the witness should fully answer, because he believes from what the witness has already said and his declining to answer six several questions put to witness by the said contestant, and said witness being an especial friend of the contestee and of said Kelloway and not an acquaintance even of the contestant, that the answer would prove beyond the possibility of a doubt and make it clearer, if possible, that Charles Kelloway's vote and influence were not only bought by contestee, but that the said Kelloway then and there admitted to witness that said vote was thus bought, together with all the votes spoken of by said Kelloway to witness, over which he, said Kelloway, claimed to have control. And

contestant further states that inasmuch as the witness has admitted that the answers would not even tend to implicate himself, that he ought in justice to this contestant and in the interest of truth to answer.)

264. Q. Do you still decline to answer?—A. I do.

265. Q. Let me ask of you, Mr. Stevens, if this matter which you decline to give reflected in any manner upon Judge Mason, or did the conversation which you decline to give relate more particularly to remarks there made relating to matters pertaining to Kelloway and yourself in your own matters, and to heated expressions indulged in by Kelloway which might lead to an unpleasantness between Mason and Kelloway if divulged?—A. I think it would lead to an unpleasantness.

266. Q. But I do not understand from that that that unpleasantness would be of a political character.—A. No, sir; it would be a glass of beer; that is what it grew out of.

(Contestee here applies for an attachment against W. K. Lippitt, an absent witness duly subpoenaed and proof of service filed, and asks that the notaries issue such attachment or other process necessary to compel the attendance of said witness.

The contestant here states that the witness W. K. Lippitt is a merchant of this village, that he was subpoenaed for the 25th of March by contestee, and that he has been in attendance in this room nearly if not quite every day from then until now; and that the contestee by his counsel in open court several days ago publicly declared to Mr. Lippitt and to contestant's counsel that he did not desire to nor should he call Mr. Lippitt as a witness; that while Mr. Lippitt claims to be unable to bear an examination such as he would necessarily receive from Mr. Lamoree both in length and frivolousness, yet the contestant desires the attendance of Mr. Lippitt and only makes this statement in justice to himself.

Contestee's counsel denies that any such statement has ever been made excusing the said Lippitt from giving evidence in this case; alleges that there is not a scintilla of truth in it, and if the counsel will name or designate by which of contestee's counsel such notice was given sworn proof will be filed if necessary to refute such charge; that contestee's counsel, on the contrary, has repeatedly called for said Lippitt and has been informed by Counselor White, who acts in the interest of said Lippitt and of contestant, that said Lippitt declines or is unwilling to appear and give evidence as required under such subpoena, alleging that his health and physical condition will not permit, notwithstanding the said Lippitt has been daily in his store and attending to his usual business, and as contestee believes, only declines to be so sworn under the advice of Sebastian Duffy and of S. D. White, esq., his political partisans and friends, with a view to prevent further disclosures of the illegal use of money on behalf of said Duffy at the last general election.

The contestant here states in reply that the proof clearly shows that Mr. Lippitt is not in the interest of contestant but is in the interest of contestee, and acting under the advice, instruction, control, and many improper influences of contestee's numberless counsel and advisers who seek to exercise, and do in fact exercise, an undue influence over Mr. Lippitt, the same as they seek to do over all men who do not in all respects agree with them or do their bidding.

Contestee's counsel denies the above allegations and each and every of them.

Contestant's counsel in rejoinder affirms the same to be true.

Motion denied for lack of power.)

The examination of Mr. Stevens resumed.

Recross by S. D. WHITE :

267. Q. You have spoken of an interview with Charles Kelloway on the Sunday evening previous to election; did you receive an impression from anything that Mr. Kelloway said that his vote could be obtained for Mr. Mason?

(Objected to.)

A. There was no such thing; I did not.

268. Q. Do you still decline to answer each and all the questions which you did decline this forenoon to answer me?—A. I still decline.

269. Q. And do you still decline, as you did this forenoon, to give the reasons why you thus decline?—A. I give same reasons I have given.

270. Q. And you decline to give others?—A. I decline as I have declined, as before.

JOSEPH STEVENS.

Subscribed and sworn April 5, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, New York.*

APRIL 5, 1879—2 p. m.

Official canvass of election held in Madison County, November 5, 1878, produced and offered in evidence. Received and marked.

Madison County official can

Towns.	Election district.	Associate judge of the court of appeals.					Representative in Congress.				Sheriff.			
		Whole number of votes.	George F. Danforth.	George B. Bradley.	Gideon Tucker.	William H. Van Cott.	Whole number of votes.	Joseph Mason.	Sebastian Duffy.	Winfield S. Smyth.	Whole number of votes.	Milton De Lano.	George D. Richardson, Jr.	J. Hinnan Waggoner.
Brookfield.....	1	140	76	33	6	25	140	75	40	24	141	99	20	13
	2	283	175	85	20	3	286	178	107	1	286	182	86	12
	3	211	89	102	20	3	208	79	127	1	212	90	80	2
	4	103	63	30	10	3	104	64	40	4	103	63	30	3
Cazenovia.....	1	235	133	87	15	10	239	131	107	1	237	114	123	1
	2	420	227	139	44	10	386	235	135	16	427	250	83	13
	3	308	173	92	37	6	284	167	82	15	301	159	46	1
De-Ruyter.....	1	407	199	87	85	36	409	147	205	57	404	175	182	47
Eaton.....	1	436	232	120	83	1	430	196	233	1	444	203	236	4
	2	244	133	50	61	1	250	118	111	1	247	81	166	1
	3	182	90	12	80	1	182	82	100	1	185	62	123	1
Fenner.....	1	296	151	89	54	2	296	145	140	11	283	78	202	3
Georgetown.....	1	302	127	43	123	9	315	104	198	13	312	137	149	8
Hamilton.....	1	481	307	132	29	9	470	336	125	11	481	301	167	13
	2	403	248	106	39	10	399	248	140	11	408	249	35	13
Lebanon.....	1	195	93	8	89	5	195	88	100	5	197	94	90	13
	2	162	93	38	28	2	160	67	83	8	160	100	56	4
Lenox.....	1	251	119	96	34	2	159	116	141	2	259	132	99	2
	2	551	277	232	32	10	556	232	256	7	560	297	258	5
	3	355	149	171	33	2	354	150	201	3	356	215	140	1
	4	549	299	207	14	29	538	298	213	27	554	458	78	18
	5	456	166	233	48	9	463	172	281	9	460	208	140	8
Madison.....	1	524	237	133	143	11	494	224	265	5	513	207	293	13
Nelson.....	1	229	75	41	109	4	235	56	175	4	230	43	184	3
	2	174	105	48	20	1	179	95	75	9	179	78	97	4
Smithfield.....	1	273	158	72	42	1	283	150	130	3	283	160	63	1
Stockbridge.....	1	410	209	133	61	7	388	193	186	9	386	191	186	9
Sullivan.....	1	496	192	293	3	8	489	204	280	5	495	190	292	4
	2	244	96	134	7	7	242	92	140	10	247	104	104	7
	3	180	64	100	11	5	180	59	108	13	181	64	113	1
	4	126	40	74	12	1	129	41	88	1	126	47	79	1
	5	109	69	39	1	1	111	60	42	1	111	67	44	1
Total.....		9,735	4,864	3,259	1,393	214	9,633	4,671	4,664	280	9,768	4,907	3,004	218

pass, November 5, 1878.

County treasurer.				Justice of sessions.				Member of assembly, second district.				Member of assembly, first district.					
Whole number of votes.	Otis Storrs.	Henry S. Phelps.	Amoret Dalton.	George A. Spaulding.	Whole number of votes.	Benjamin F. Coman.	Thomas F. Petrie.	Whole number of votes.	Joshua Clark.	Augustus L. Saunders.	Joseph B. Partello.	John Harmon.	Whole number of votes.	William J. Taylor.	George Berry.	Ezekiel P. More.	Joseph W. Burce.
140	78	33	6	23	111	78	33	142	26	75		41					
286	177	86	21	2	263	177	86	290	6	172		99					
214	91	61	40	2	174	91	83	214	1	82		130					
103	63	30	10		93	63	30	104		65		39					
226	133	87	16		220	133	87						235	129	92	14	
433	228	149	43	13	379	229	150						430	220	157	41	12
306	167	93	46		260	165	95						318	161	84	69	4
413	195	89	86	43	284	194	90	414	72	180		147					
446	265	108	73		378	237	141	444		234		210					
243	130	49	64		180	130	50	245		136		109					
185	94	11	80		103	90	12	186		90	1	95					
300	150	88	60	2	232	146	80						297	121	137	37	2
315	132	39	133	11	171	132	39	314	12	126	19	157					
482	307	132	31	12	468	305	132	486	7	298		174					
408	246	113	35	14	359	246	113	395	14	249		132					
195	93	9	87	6	190	93		198	5	90		102					
164	91	23	46	4	117	91	26	167	2	82		80					
258	116	99	41	2	226		99						257	124	131	1	1
560	279	231	42	8	513	279	234						560	262	280	12	5
353	149	178	24	2	327	150	177						356	167	173	13	2
556	299	207	20	30	507	300	207						558	267	257	4	30
461	151	245	54	11	399		248						469	140	307		7
532	232	134	153	13	365	231	134	527	4	244		279					
232	77	42	109	4	134	72	47	230	1	67	112	50					
179	114	43	21	1	158	113	45	177	1	107	10	59					
285	161	73	50	1	249	148	96						280	144	120	14	2
414	212	137	60	5	350	211	139						413	197	177	36	3
494	188	292	8	6	482	190	292						500	275	221	1	3
247	92	139	7	9	247	92	138						248	108	132	5	3
181	64	99	14	4	183	64	99						180	75	96	4	5
127	39	77	11		116	39	77						128	37	90		1
111	69	42			111	69	42						110	64	46		
9,859	4,882	3,258	1,491	228	8,329	4,558	3,320	4,523	151	2,297	142	1,903	5,339	2,491	2,500	251	80

STATE OF NEW YORK,

Madison County Clerk's Office, ss:

I, John N. Woodbury, clerk of said county, and of its courts of record, do hereby certify that I have compared the annexed copy of official canvass with the original record thereof remaining in this office, and that the same is a correct transcript thereof and the whole of such original.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, being also the seal of said courts, this 29th day of March, 1879.

[SEAL.]

JOHN N. WOODBURY, Clerk.

Received in evidence April 5, 1879, and marked Contestee's Exhibit.

CHAS. W. UNDERHILL,  
Notary Public, Hamilton, N. Y.

*Deposition of Austin M. Tibbits.*

AUSTIN M. TIBBITS sworn, and testified as follows:

1. Question. Where do you reside?—Answer. In Hamilton.
2. Q. What is your age and occupation?—A. Thirty-eight years; and a carriage-smith.
3. Q. Do you know Judge Joseph Mason?—A. Yes, sir.
4. Q. How long have you known him?—A. Twenty-one or twenty-two years.
5. Q. During that time have you and he resided here?—A. I have been away probably seven years of the time.
6. Q. What is your politics?—A. I have generally been Democratic.
7. Q. For whom did you vote for Congress last fall?—A. Judge Mason.
8. Q. What impelled you to his support instead of Mr. Duffy?—A. I never had any inclinations toward Mr. Duffy or that ticket any way.
9. Q. I infer then that you were opposed to the Greenbackers?—A. Yes.
10. Q. Did you vote the Democratic State ticket?—A. I did.
11. Q. What time in the day did you vote?—A. I should think it was between 9 and 10 o'clock.
12. Q. Did you work at the polls?—A. No; I did not in reality.
13. Q. Do you mean to say you worked at the polls to a limited extent?—A. No; not the way I generally work at the polls.
14. Q. How long were you at the polls or their vicinity?—A. Not to exceed three hours, or four.
15. Q. Did you see any indication of money being used at the polls?—A. I did not.
16. Q. Did you see Michael Brogan?—A. Yes.
17. Q. Did you have anything to do in influencing Brogan in the casting of his vote?—A. I spoke to him about voting for Mason and I gave him a set of votes for Mason and the Democratic State ticket.
18. Q. Who was present at the time?—A. I don't think I could name any.
19. Q. He took the votes and went toward the polls?—A. My impression is he took the votes from me and voted them.
20. Q. Brogan had worked for Mason more or less, had he not, as a laborer?—A. I don't know.
21. Q. Did you hold out any inducement of a pecuniary nature or use any corrupt means of any kind to affect Brogan's vote?—A. No, sir.
22. Q. Was E. B. Mott anywhere near you at the time?—A. No, sir; not to my recollection.
23. Q. Did E. B. Mott have anything to do with Brogan's vote as far as you know?—A. Not to my knowledge.
24. Q. Was there any money or other consideration paid you for political services on that day or to influence your vote?—A. No, sir.
25. Q. Was the election so far as you could observe and so far as your knowledge goes in all respects a fair one?—A. Yes, sir.
26. Q. You heard after the election of certain rumors which had been set afloat by the unsuccessful party, or rather the Greenback portion, to the effect that Judge Mason or his friends had used money to corrupt the election?—A. Yes; on election, I think.
27. Q. Did you hear any such reports until after the canvass was closed?—A. It was pretty early in the evening, if not in the afternoon.
28. Q. Has there not been almost every year similar rumors set afloat



after election?—A. To my remembrance there has in some manner or another.

29. Q. Do you regard the rumors set afloat last fall as being founded in fact, or were they, in your judgment, only political gossip such as frequently arises on such occasions?—A. I have no ground to think there was any corruption.

Cross-examination :

30. Q. I understood you to say that you voted for Mason, but voted the Democratic State ticket; do you mean to say you voted the Democratic county ticket also?—A. Yes, sir.

31. Q. Was the candidate for sheriff on Democratic county ticket a Greenbacker?—A. Yes.

32. Q. Did you vote the whole county ticket?—A. I did, sir.

33. Q. I understood you to say that you voted for Mr. Mason because you did not like Greenbackers?—A. I don't think I said so. May be I did, but it is a fact I did not like them.

34. Q. Please explain why you voted for Richardson and could not for Duffy?—A. Of two evils choose the least. I liked Richardson the best; he had always been a straight Democrat.

35. Q. Did you not also understand that Mr. Duffy was a straight Democrat until he became a Greenbacker the same as Mr. Richardson?—A. I did not know it until this afternoon.

36. Q. Did you hear his speech in Hamilton?—A. I did the most of it.

37. Q. Did he therein state that he had always been a Jacksonian Democrat?—A. I did not hear that part of it.

38. Q. And did you hear that part wherein he said that the counties of Oswego and Madison were and had been for some years infested with a band of Republican political outlaws; that the chief of the ring in Oswego was Mr. Lamoree, and that Mason was in Madison?—A. I can't say I did.

39. Q. You did not like the Greenback party?—A. I never supported any part of it except what might have been on Democratic ticket.

40. Q. Did you not understand that Mr. Duffy was on the Democratic ticket?—A. I did, sir.

41. Q. Please explain to me why you were opposed to Greenbackism, and also give your views at length upon the financial questions of the age.

(Objected to as incompetent and immaterial, and only designed to use up time and prevent contestee from swearing other witnesses. Objection overruled.)

A. I don't know as I could give you any particular views upon Greenbackism. I feel myself incompetent to answer at length upon financial subjects.

42. Q. Have you not read the works of Robespierre and Danton upon political economy?

(Objected to.)

A. No, sir.

43. Q. Nor of Schuyler Colfax and Belknap?

(Objected to; immaterial and incompetent. Objection overruled.)

44. Q. Or of that Republican writer of Pennsylvania, named Mackey?—A. No.

45. Q. I assume, then, that your views upon financial questions are not exceedingly vast and comprehensive?

(Objected to; consume time.)

A. No.

46. Q. Then please tell me whether it was hard money or fiat money that you paid A. B. Rice on election day?—A. It was hard-money.

47. Q. What time did Michael Brogan vote?—A. I think it was 1 o'clock.

48. Q. And was he a hard-money Democrat like yourself?—A. I don't know, sir.

49. Q. Did you and he talk over the money question as you gave him his tickets?—A. No, sir.

50. Q. Did you attend the Democratic private caucus the Monday evening before election at Eagle Hotel?—A. Not intentionally.

51. Q. Were you not there during the most or all of its session?—A. No, sir.

52. Q. And did you not participate in its deliberations?

(Objected to as immaterial and incompetent. Objection overruled.)

A. I won't say I did or did not.

53. Q. While you were there were you not appointed and did you not accept the position of poll-driver for election day?

(Objected to; to consume time, knowing this to be his last day and in the evening. Same ruling.)

A. I was appointed but did not accept. I soon left the room.

54. Q. Did you decline?—A. I did not.

55. Q. Did you hear a resolution passed that poll-drivers should peddle the whole ticket, and did you not then and there talk in its favor in the presence of many men?—A. I did not.

56. Q. Did you hear the resolution?—A. I don't think I did.

57. Q. Will you swear you did not?—A. To my recollection I did not.

58. Q. Will you swear you did not?

(Objected to; witness has fully answered. Objection overruled.)

A. I won't say no nor yes on this question.

59. Q. As you were appointed poll-driver, why did you not frankly say to that meeting, "I know Mr. Duffy is nominated by the Democrats, but I shall vote for Mr. Mason; if you want me under those circumstances I will accept; otherwise not"?

(Objected to as before; objection overruled.)

A. I considered I was doing no injury to the party in voting for Mr. Mason, as I worked for the balance of the ticket.

60. Q. Is that all the answer you can give?—A. It is.

61. Q. But did you not peddle tickets?—A. I did, sir, to some extent.

62. Q. And did you not peddle tickets nearly all day?—A. No, sir.

63. Q. How many hours did you?—A. Three or four, as I said before.

64. Q. Tickets in your hands, looking up voters?—A. Yes, sir.

65. Q. Looking up Democratic voters who would vote for Mason?—A. I would not say so.

66. Q. What will you say?—A. Say no.

67. Q. Did not ask but one Democrat to vote for Mason?—A. No.

68. Q. Did you ask Brogan?—A. Yes.

69. Q. And Rice?—A. No.

70. Q. Did you work in the shop any portion of that day?—A. Yes; two hours or more.

71. Q. What time of day?—A. I worked about 11 o'clock. I did one job, if I remember right, and one job in afternoon, about 4 o'clock, I think.

72. Q. Were you here about the time the polls opened?—A. No, sir.

73. Q. About what time did you get to the polls?—A. About half past nine or quarter to

74. Q. Can you name one other person than Michael Brogan to whom you gave tickets that day?—A. I cannot.

75. Q. Did you give tickets to others?—A. I presume I did.

76. Q. How many others do you presume you gave tickets to?—A. I might have given three and I might have given twenty.

77. Q. Might you not forty?—A. Hardly.

78. Q. Were you not all around the village in shops, stores, and other places looking up voters?—A. No, sir.

79. Q. Were you in some shops or places looking up voters?—A. Yes, sir.

80. Q. State where.—A. I think I went into my brother's shop and Abbert's shop. I think that's all.

81. Q. Did you give them Mason tickets?—A. No, sir.

82. Q. Did you give them any tickets?—A. I can't say.

83. Q. How early on election day did you hear charges of the use of money?—A. I don't know as I heard anything of use of money, but I heard of buying of votes. Might have been before supper, and might not have been until evening; am not positive.

84. Q. Is it not your best recollection that it was during the afternoon?—A. No, sir; I can't say.

85. Q. Have you not so testified once that you thought it was in the afternoon?—A. I don't think I did. I testified, I think, it might have been in afternoon.

86. Q. Who did you hear say it?—A. I can't say.

87. Q. Were you charged with it on election day by no one?—A. No, sir; not to my knowledge.

88. Q. And who was it said was buying votes?—A. I can't remember.

89. Q. Do you not remember who you heard it charged had bought votes?—A. No, sir.

90. Q. Did you hear such charges in the evening?—A. I think I heard them in afternoon or evening that there had been money used.

91. Q. In whose interest or behalf?—A. In behalf of both Mr. Duffy and Mason.

92. Q. Who told you to give that answer; Mr. Lamoree?—A. I had no talk with Mr. Lamoree on that point.

93. Q. Have you talked with him on several occasions in relation to your testimony?—A. No, sir.

94. Q. Have you at all with him?—A. Yes, sir.

95. Q. Who charged Duffy or Duffy's friends with using money?—A. I can't tell.

96. Q. You deny buying votes that day, do you?—A. Yes.

97. Q. Or being bought?—A. Yes.

98. Q. Have you ever known a man who had bought a vote or sold his own who admitted it under oath?—A. No, sir; I never knew of any being bought.

99. Q. I am not speaking of this election alone, or of any particular individuals. My question is, is it not your belief that a man who will commit a crime will, as a general rule, plead not guilty when charged with it?

(Objected to as immaterial, incompetent, insulting to the witness, and only to consume time. Objection overruled.)

A. No, sir; it is not my belief.

100. Q. Then you believe, as a general rule, that when men are charged with crimes they plead guilty?—A. That is my belief.

101. Q. And if you were charged with a crime and you were guilty you would plead guilty at once, would you?—A. Yes.

102. Q. And do you not believe that so good a man as yourself who would so quickly own up the truth is incapable of committing a crime? (Objected to as before.)

103. Q. And did you understand that the selling or buying of voters on election day was a crime?—A. Yes.

104. Q. And yet you think though you had sold your own vote and had bought many others on that election day, yet when called upon the stand you would frankly own it and say "I did it"?

(Objected to. Preamble is absurd and false.)

A. Certainly I would.

105. Q. Would you confess one crime and thereby avoid another?—A. Yes.

Redirect:

106. Q. Allusion has been made to the payment of money to A. B. Rice on election day, and I think the witness Leonard referred to some such transaction on election day. State if you paid A. B. Rice money to influence his vote on election day.—A. I did not for this purpose.

107. Q. Did you hand Mr. Rice fifty cents?—A. Yes.

108. Q. Did you know that Rice had voted some hours before?—A. I was quite well aware he voted about two hours before.

109. Q. Was that transaction in any way designed as and for the purchase of a vote?—A. No, sir.

110. Q. Do you wish to be understood that guilty persons charged with the higher crimes—I mean State's prison offenses, and from that up to murder—as a rule, plead guilty, or do you mean simply that the smaller offenses, like misdemeanors, that men more frequently plead guilty?—A. It's a question I have not given much thought. I have not been accustomed to attend criminal courts.

111. Q. You have not been in the habit of attending criminal courts?—A. No, sir.

Recross:

112. Q. What did you pay that hard money to Rice for?—A. I was coming across the road and I met Mr. Rice on Woodruff's corner. I took out a half dollar in my hand and I said to Mr. Rice, "Here is a half dollar I'll give you for your vote" (and I knew he had voted). He said, "All right, I'll give you credit"; and I traded the balance of it out.

113. Q. Was not this what was said? Did not Rice first say, "Tibbitts, what are you paying for votes to-day?"—A. I say, no, sir.

114. Q. Did you mention Mason's name?—A. I don't know but I did.

115. Q. I don't know but you did. Did you?—A. I would not say, sir.

116. Q. Will you say you did not?—A. No, sir.

117. Q. Is it not your best recollection you did?—A. No, sir.

118. Q. Did you give Rice his tickets?—A. I think not.

119. Q. Will you swear you did not give him a Mason ticket?—A. No; I would not swear I did not.

120. Q. And was it not some hours afterwards that he told you he had voted before he saw you, and told you he would give you credit for it, or take it out in meat?—A. No, sir.

121. Q. Was it some time after?—A. No, sir; it was at that moment.

122. Q. He took the money and ticket and went on?—A. He took money and went on; can't say as to ticket.

123. Q. You were joking, were you?—A. You might know I was.

Redirect:

124. Q. Did you design to pay that 50 cents to Rice on your account

when you gave it to him?—A. I had no design about it. I knew I owed him a little, and could get balance, and he said he would give me credit.

Recross:

125. Q. If you knew he had voted, why will you not be positive you did not give him a Mason ticket?—A. I don't think I gave him a ticket.

A. M. TIBBITS.

Subscribed and sworn April 5, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, New York.*

*Deposition of William Kelloway.*

WILLIAM KELLOWAY, sworn, testifies as follows:

1. Question. What is your age and occupation?—Answer. Thirty-five years. Carpenter by trade.

2. Q. Are you one of the trustees of the village of Hamilton?—A. Yes, sir.

3. Q. And when were you elected as such trustee?—A. A year ago last month, March, 1878.

4. Q. Are you a brother of Charles Kelloway?—A. Yes, sir.

5. Q. How many voters are there in your father's family?—A. Six.

6. Q. What have been their politics, and what are they now?—A. Always Republican, and are now.

7. Q. Did you know of your brother Charles being in sympathy with the Greenback party last summer; did he talk that way?—A. Not with me; I heard it through other sources, and was surprised that he should take such a step.

8. Q. Did you talk with him shortly after Mr. Duffy made his speech upon this subject, or did you hear him express himself as to Mr. Duffy?—A. I heard him say on the same evening, after this speech by Mr. Duffy, that he had got through with the Greenbackers; if that was the best stock they could turn out, he had got enough of it.

9. Q. Did you know of his sending word to Judge Mason shortly after that speech that he should support him for Congress?—A. I did.

10. Q. Through whom did he send that word?—A. B. F. Bonney, the postmaster.

11. Q. And did you understand also that he also sent word to Judge Mason and to the same effect by D. H. Foster here in the village, an insurance agent?—A. Yes, sir.

12. Q. During the two weeks preceding the election had you any doubts whatever as to your brother Charles's intention to vote for Judge Mason?—A. I never thought from the beginning that he would stand by the Greenback ticket.

13. Q. Was there any other member of your father's family whom you understood at any time to favor the support of the Greenback ticket?—A. No, sir.

14. Q. And did you on election-day see any indication of the use of money on the part of Judge Mason?—A. No, sir; I did not.

15. Q. What is your brother Charles's occupation?—A. A carpenter and joiner.

Cross-examination by S. D. WHITE:

16. Q. You say on the same evening of Mr. Duffy's speech your

brother said in substance that he was done with Greenbackism, did he?  
—A. Yes, sir.

17. Q. Do you remember the date of Mr. Duffy's speech?—A. I do not.

18. Q. Do you know your brother Charles's handwriting?—A. I hardly know whether I would or not.

19. Q. (Paper shown witness.)—A. I would not swear that that was his writing. I think he can write a better hand than that.

20. Q. Do you recognize H. H. Keith's signature to that paper?

(Objected to as immaterial, incompetent. Objection sustained.)

Contestee's counsel demands the privilege of seeing and examining the paper, if the same is to be used in evidence, with a view to calling witnesses to the same before resting his case.

Counsellor White refuses, but says that if the paper shall be offered in evidence the contestee shall have an opportunity to disprove his handwriting.)

Redirect:

21. Q. Did you vote at all on election-day?—A. I did not vote at all.

22. Q. Did you intend to vote?—A. I did.

23. And for Judge Mason?—A. I did.

24. Q. Did you advocate his election and work for him a portion of the day?—A. I did.

25. Q. How came you not to vote?—A. I got interested in a game of dominoes and forgot it. I played until after the polls closed.

W. M. KELLOWAY.

Subscribed and sworn April 5, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

We hereby certify that the foregoing depositions of E. D. Van Slyck, A. E. Cherry, P. B. Havens, John Y. Bonney, Allen N. Enos, E. D. Sherril, George Kern, C. M. Mott, Robert Patterson, Ralph Simpson, J. C. Wal-drow, Joseph Stevens, A. M. Tibbits, and William M. Kelloway were taken by us on Tuesday, Wednesday, Thursday, Friday, and Saturday, March 25, 26, 27, 28, and 29, 1879, and on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, the 31st day of March, and the 1st, 2d, 3d, 4th, and 5th days of April, 1879, at Tripp's Hall, in the vil-lage of Hamilton, Madison County, New York, and that the said deposi-tions are correct and true as written on the foregoing pages.

Witness our hands and seals this 5th day of April, 1879.

[SEAL.]

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

[SEAL.]

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

EVIDENCE TAKEN IN REBUTTAL BY THE CONTESTANT.

MADISON COUNTY.

S. D. White appearing as counsel for contestant.

J. J. Lamoree appears and opposes the taking of depositions, upon the ground that no sufficient notice has been given, and files his Exhibit No. 2 in the form of an affidavit, and further demands that both Monday and Tuesday be given to contestee for the taking of depositions on the part of contestee at Tripp's Hall, and that no one appears on the part of contestee except J. J. Lamoree, who appears to protest against the taking of depositions under the notice dated April 4, 1879, for the reason set forth in said affidavit.

*Deposition of John W. Rowlands.*

JOHN W. ROWLANDS, a witness produced and affirmed on behalf of contestant, testifies as follows:

Direct examination by S. D. WHITE:

40. Question. Are you the person who has been heretofore sworn in this case?—Answer. I have been sworn heretofore.

41. Q. Did you hear a conversation between John Bonney and others on the night of the election?—A. I heard John Bonney talking in this building.

42. Q. State what he said.—A. I can't state all he said. As I remember, he said that some men might be bought for \$2, some \$5, some \$10, and he would not say but what he had got his price, or this in substance.

43. Q. Did you hear him say anything about one Winans and \$60,000 in that connection?—A. I have no recollection of it.

44. Q. Did you see Kelloway vote?—A. I don't know as I did.

45. Q. Did you see one Charles Risley at work for Mason that day?—A. Yes, sir.

46. Q. Have you heard that he changed his vote between Saturday and Tuesday?—A. No, sir.

47. Q. Have you heard anything upon the subject?—A. No, sir.

J. W. ROWLANDS.

Subscribed and sworn April 7, 1879.

S. E. SCRANTON, JR.,

*Notary Public in and for Madison County, New York.*

H. H. Keith is present taking testimony, and declines to cross-examine, who claims he does not appear for contestee.

*Deposition of Albert Dart.*

ALBERT DART, sworn, testifies as follows:

92. Question. Restate the conversation you had with John Bonney on the evening of election in relation to his change of his vote from Duffy to Mason?—Answer. In our conversation he said all men had their price; some men \$5, some \$10, and some more, and he would not say but what he had his price; that is the substance of it.

93. Q. Did he say anything in that connection about Winans and

\$60,000?—A. After this conversation, as an illustration of that fact, he referred to Winans.

94. Q. Did you see a man vote on the day of election who you have since learned was a carpenter by the name of Baker?—A. I saw him vote, and I have since learned that his name was Baker.

95. Q. For whom did he vote?—A. I judged, from the looks of his vote, it was a Mason ticket.

96. Q. And did he deposit it?—A. He did.

97. Q. Do you understand that he has heretofore been a Democrat?—A. I have been so informed.

98. Q. Do you know Charles Kelloway, known as one of the Kelloway tribe?

(J. J. Lamoree and John E. Smith have returned and are now present.)

A. I know Charles Kelloway.

99. Q. Was Charles Kelloway present with this man when he voted?—A. Yes.

100. Q. What did you hear Charles Kelloway say to him after he voted?—A. He said you may or can come on in the morning.

101. Q. Where did you see the man Baker at work the next morning?—A. On the addition to the Union School-house.

102. Q. Do you understand that one Dr. Beebe is an especial friend of Judge Mason?

(J. J. Lamoree desires it noticed upon the record that while he protests against further taking of depositions in rebuttal, and for all the reasons stated in his affidavit, and shall treat such depositions when taken as void and without authority of law, yet he shall so far appear for contestee, without waiving anything, as to cross-examine each and every witness as best he can; and that John E. Smith, esq., will also appear for the same purpose and to the same extent and no further, except to object to improper testimony when offered; that he will examine the record, so far as the same has been taken this morning, and ask that all evidence therein appearing be stricken out; and, further protests against each and every part thereof, especially, which is not evidence in rebuttal.)

Mr. H. H. Keith is present, who has heretofore been recognized as one of the counsel for contestee, and whose name, as contestant understands, has been omitted from the record at the special request of J. J. Lamoree and John E. Smith.

Contestee now asks and demands that C. W. Underhill, without waiving any rights on the part of contestee, sit and take evidence as notary public in this matter.

Mr. Underhill now appears and takes his seat as associate notary.

Mr. H. H. Keith now appears for contestee with the same objections and under same restrictions and circumstances as Mr. Lamoree and Mr. Smith.)

102. Q. Question repeated.—A. I know he advocated Mason's election, but as to being a special friend I don't know.

103. Q. Do you know whether or not he has been in consultation with contestee's counsel during the greater portion of every night since this examination has commenced, aiding and assisting the contestee's counsel?

(Objected to.)

A. I have no means of knowing.

104. Q. Do you understand that he is one of the officers of the Union school?—A. I know he is.



105. Q. And an active manager in connection therewith?—A. He is president of the board.

106. Q. And do you understand that Charles Kelloway, sometimes called Jack, had charge of that job?—A. I have so understood.

107. Q. And when you saw the voter Baker on that job the next morning after election did you believe that work was given him as a consideration for his vote for Mason?

(Objected to as immaterial and incompetent and not in rebuttal, but as being affirmative evidence, expressly prohibited by the United States Revised Statutes, section 107, title 2, chapter 8. Objection overruled; Underhill dissenting.)

A. It looked that way to me.

108. Q. Do you know the price he was paid for his labor?

(Same objection; same ruling.)

A. I do not.

109. Q. And do you know what the tax-payers of this school district, through the agency of Frank D. Beebe, paid Charles Kelloway for his services overseeing that work?

(Same objections; same rulings.)

A. I do not.

110. Q. Were the taxes unexpectedly large?—A. I don't know what they expected; they were 47 cents on a \$100.

Cross-examination:

111. Q. Where did Baker live, and what is his first name?—A. I don't know his first name; I understood he lived on Madison street.

112. Q. Then I take it you are not much acquainted with Baker?—A. I am not.

113. Q. What is his occupation?—A. I am informed he is a carpenter.

114. Q. Did you regard it as a strange circumstance that a carpenter should work on a school-house?—A. No, sir.

115. Q. What was the strange part of it to you?—A. On election day Mr. Charles Kelloway had this Mr. Baker in one corner of the room back next the door and talked with him some time, I think from twenty to thirty minutes, and they started toward the polls, and Mr. Kelloway handed Mr. Baker a vote. After Baker voted, and stepping back from the polls a few feet, eight or ten, Mr. Kelloway says "You can come on in the morning," and the next morning I saw him go there to the school-house and go to work; and that is the strange part of it to me.

116. Q. Now what strange deductions did you draw from it?—A. Leave out the word strange and I will answer it.

117. Q. Why do you want the word strange left out?—A. I think it's a question I could not properly answer as you first put it; I don't think it a fair question.

118. Q. If you will advise me in what shape you can answer it I will put the question in your way.—A. I said leave out the word strange.

119. Q. Is that because you did not see anything strange?—A. Some might call it strange and some might not.

120. Q. Do you want the word strange left out because you did not see anything strange?—A. No, sir.

121. Q. Did you want it left out because you did see something strange?—A. I wanted it left out because the question, as asked, if answered truthfully, which it will be, would be liable by these lawyers to be twisted in shapes to suit themselves.

122. Q. Then I understand you that you desire the word strange omitted because you fear a lawyer's twist; am I correct?—A. I did not

say I was afraid of it. As the word strange appears there I would not answer it as I ought to.

123. Q. Answer the question with the word strange and the opportunity for a twist omitted.—A. That the voter had been tampered with were the deductions I drew from it.

124. Q. Don't you think that was a pretty harsh judgment to pass upon Mr. Baker, a respectable and worthy citizen, that he had sold his vote, founding that opinion upon what you saw and heard there, and would you wish to be so harshly judged upon matters of that kind?—A. I did not pass any such judgment upon him.

125. Q. But I understood you to say that you drew the deduction that he had been tampered with. What did you mean by the word tamper?—A. Undue influence brought.

126. Q. When you say you thought that an undue influence had been brought to bear, you understand, do you not, that the plain English is simply this, that you believe Baker had sold his vote?—A. I had strong suspicion that way.

127. Q. Are you not constitutionally of a jealous and suspicious turn of mind?—A. I don't think I am.

128. Q. You think you thoroughly understand yourself on that point?—A. I think I do as well as any one else does.

129. Q. I suppose that talk in the corner aroused your suspicions somewhat?—A. It did.

130. Q. Did you hear the conversation so as to know what they were talking about by themselves?—A. No, sir.

131. Q. Then you don't know but they were talking with reference to that very school-house, do you?—A. I do not; of course I don't.

132. Q. You knew that Kelloway ranked very high as a mechanic, and had much to do with the building here in the place, did you not?—A. Yes.

133. Q. Has he not been often spoken of as the best in town in his line of building?—A. It's some like lawyers and doctors; some will think one man the best and some another.

134. Q. For how many years have you known him as a builder?—A. I have a dozen years.

135. Q. You regard him as a pretty fair kind of a man, don't you?—A. Aside from politics.

136. Q. And do you know anything against him, of your own personal knowledge, on the score of politics, except that he has been at variance with you at every election time?—A. Being at variance with me I should not consider anything against him.

137. Q. Do you know, of your own personal knowledge, that Kelloway has not always been honest in his politics?—A. I did not consider him so in politics.

138. Q. Now I will repeat my question and ask for an honest response. What is your answer?—A. I know that Mr. Kelloway, the fall before election, was decidedly opposed to Mr. Mason, and that he was a delegate with others to our county convention and took an active part in the canvass, and I know up to Saturday night of election. And Tuesday morning I came up to the polls, and he was there with a handful of Republican tickets, including Mason tickets, and that is the foundation of my opinion.

139. Q. Did you regard Saul of Tarsus as being corrupt because of his speedy conversion?—A. No, sir; I was not there at that time.

140. Q. Don't you know that there was a building committee com-

posed of three members who had charge of the building of that school-house?—A. I was so informed.

141. Q. Who was that building committee, as you understand?—A. Manchester, Beebe, and Wright.

142. Q. And they were all very worthy and credible persons, were they not?—A. I know nothing to the contrary; we suppose them to be.

143. Q. Do you know that Kelloway employed a single person to work on that building?—A. I heard him tell Mr. Baker he could come on.

144. Q. Do you know, of your own knowledge; that Kelloway had anything to do with the hiring of men on that building?—A. Aside from what I heard on election day, no, not of my own personal knowledge.

145. Have you not heard it said repeatedly that the building committee employed these men and had the work done by the day?—A. I understood and knew that they hired by the day, and I never heard until to-day that this committee hired all the help.

146. Q. Do you know anything against the character of Mr. Baker?—A. No; I know nothing about it.

147. Q. Do you know that Mr. Baker had not been employed by the committee to work on that building several days before election?—A. Not of my own personal knowledge.

148. Q. Was not the improvements on the school-house to commence the next morning after election?—A. I would not state positively; but I understood they commenced before election.

149. Q. Did they commence the carpenter work before election?—A. Yes; and raised the building.

150. Q. Did you not understand that the committee had employed Charles Kelloway to superintend that work?—A. Yes.

151. Q. How long did you understand that before election?—A. It may be ten days or two weeks.

152. Q. If Baker and Kelloway had been both employed by the committee to work on the same building, would you regard it as anything strange that they should talk together with reference to that work?—A. I should not think it would have been anything strange if they had been hired by the committee.

153. Q. And if Kelloway was foreman or superintendent of that work would you regard it as anything strange for him to say to any person engaged to work on the building, "Come on in the morning"?—A. I should not if I had not known what took place the week before.

154. Q. Was there anything that took place the week before which could impair the consistency of your answer to the last two questions?—A. There was.

155. Q. You may state it.—A. Mr. Baker applied to Mr. Kelloway for a job on the house the week before and was refused, so I was informed.

156. Q. And Kelloway's action in that regard, I suppose, would be entirely consistent with the theory that he was not the party who employed, and that the building committee would attend to that?—A. I suppose it would by that theory.

157. Q. And now if Kelloway should decline to employ and Baker should seek employment from the committee and they should employ him, and he should so advise Kelloway on election day, would you expect any other remark except the one indulged in by Kelloway, to wit, "Come on in the morning"?—A. No. I suppose that if the committee had hired him that there would not be any necessity of his going to Kelloway.

158. Q. But if he should meet Kelloway at the polls, having first

applied to him, would it be strange or unnatural that he should call Kelloway's attention to the fact that he had been employed, and talk with him about the work?—A. Under that state of things it would not be strange, it would be the most natural consequence in the world.

159. Q. Now do you know of your own knowledge that that was not just the status of affairs at that time?—A. No, sir; I do not.

160. Q. Then are you prepared to say that you did not judge both Mr. Baker and Mr. Kelloway hastily and imprudently, in the absence of a more thorough knowledge as to their status and employment upon that building?—A. I don't think that I did judge them hastily.

161. Q. You still think that you have been entirely fair toward Mr. Baker and Mr. Kelloway, in the absence of a full knowledge touching their relations to that building?—A. According to the information I got afterwards, I think I had.

162. Q. Do you ever speak with any one of the committee men or seek to learn the facts from Mr. Kelloway or Mr. Baker?—A. No.

163. Q. If you apprehended something wrong why did you not, before charging the existence of a wrong, apply to those best informed that you might know how far justly to censure?—A. I did not make any such charge.

164. Q. You do not make any such charge now, do you?—A. I do not. I have not made a charge, nor have I so stated.

165. Q. But you are a little more willing, from the circumstances you have related, to interpret them in the light of guilt than of innocence, were you not?—A. As Van Buren said, with present lights before me, I was so disposed to interpret it.

166. Q. Had Kelloway voted for Duffy and the Greenback ticket, would you then have attached any significance to his remark?—A. Yes, if he had voted for Duffy and yet worked for Mason.

167. Q. If who had voted for Duffy and worked for Mason?—A. Kelloway.

168. Q. You would have then assumed that Baker was corrupt, I suppose?—A. I don't see why I should assume anything about Baker.

169. Q. But the whole question related to Baker's vote, did it not?—A. No, sir.

170. Q. I may have misinterpreted your meaning; did you not assume to believe that Mr. Baker had corruptly cast his vote?—A. I did not assume anything of the kind.

171. Q. Do you now assume it?—A. No.

172. Q. Then your impressions are at this time that Mr. Baker properly and correctly cast his vote on election day?—A. My opinion now is that there was undue influence brought to bear; that was the impression I got, and it has not been removed yet; I don't say it is so.

173. Q. Have you ever adopted a rule of this kind, that where an act upon the part of one of your fellows viewed in one light is entirely innocent and in another light involves the commission of a crime, that the verdict in your own mind in settling the facts would give every presumption in favor of the guilt and against the innocence?—A. No, sir; I have never adopted any such rule.

174. Q. Have you adopted the reverse of that rule?—A. I have not adopted any rule without weighing the evidence. I should give the benefit of the doubt in favor of innocence.

175. Q. Have you any doubts to-day as to the guilt or innocence of Mr. Baker and of Mr. Kelloway in that transaction?—A. My answer is as before. I thought there was undue influence brought to bear, from what I learned at the time and afterwards.

176. Q. Then you can't conceive of any construction of the transaction as it occurred between Kelloway and Baker in harmony with innocence on the part of both ?—A. I could imagine anything in connection with that.

177. Q. We do not doubt your entire ability as an imaginationist, but we wish to know if you can conceive how Kelloway and Baker could have talked and said what they did at the polls, as you have recited, and still have been innocent?—A. Yes.

178. Q. Now, can you conceive how they could have both been innocent when you have added to that the application of Baker for work and Kelloway's refusal to employ him ?—A. No, I can't conceive, taking the two together.

179. Q. Do you attach much importance to the fact, as you understand it, that Baker had on a former occasion failed in getting work from Kelloway ?—A. Not to that fact alone.

180. Q. Now, do you attach very great importance to the two interviews when brought together ?—A. Considerable more to the two than either one separate.

181. Q. And on those two circumstances you think you are safe in arriving at the conclusion that Kelloway was the purchaser and Baker the vendor of a vote for Mason ?—A. That is assuming that I have arrived at that conclusion. There is no testimony that I know of.

182. Q. Then you never have arrived at that conclusion, have you ?—A. From all the circumstances that there was undue influences brought to bear on Baker.

183. Q. You, will you, now answer my question ? Have you ever arrived to the conclusion that Kelloway bought and Baker sold a vote ?—A. I can't answer it any different from what you have.

184. Q. Then you can't say now whether you believe or do not believe that Baker sold his vote ?—A. I don't consider my belief as any evidence before the court.

185. Q. Then you don't consider your own belief of any value in this case ?

(Objected to as improper, immaterial, and the examination is conducted to take time. Objection sustained; Underhill dissents.)

A. You have got all the answer you will get with the question in that shape.

186. Q. I am willing to put the question in any shape agreeable to your wishes if you will state whether or no, from all the facts before you, you believe Baker sold his vote.

(Objected to as having been fully answered. Objection sustained.)

187. Q. Can you swear that Baker voted for Judge Mason ?—A. No; I did not see the inside of his ticket.

188. Q. Was Baker a Greenbacker ?—A. I don't know anything about his politics, only from hearsay.

189. Q. What did you hear about his politics ?—A. I heard he was a Democrat.

190. Q. But there were a great many Democrats, and those high in the councils of the party, all over the district, who voted for Judge Mason on the financial issue. Can you say that Mr. Baker did not ?—A. My opinion was that Mr. Baker voted for Mason on the financial issue, and that directly.

191. Q. Did you mean to say by that that you believed he voted for a consideration of a pecuniary character ?—A. No; I did not.

192. Q. Can you swear of your own knowledge that Mr. Baker ever

applied to Kelloway for work and been refused?—A. I can't swear of my own knowledge.

193. Q. And you don't know whether that hearsay was correct?

(Objected to, for purpose of consuming time only. Objection sustained.)

194. Q. Did you know that Mr. Kelloway sent word to Judge Mason by Mr. Bonney, and also by D. H. Foster, of this village, two or three weeks before the election, that he should support him for Congress?—

A. I did not.

195. Q. Had you known of that fact would you have deemed it strange that he made his promise good at the polls?—A. No.

196. Q. Have you never heard that such was the fact?—A. Never.

197. Q. In your direct examination this morning you again recited the conversation or declarations of John Bonney at the Eagle Hotel on the night of the election. This time, however, I understand you to say that Bonney made reference to one Winans. I wish you would state what he said about Winans.—A. After stating that every man had his price, he cited to Senator Winans, who sold his vote for \$60,000.

198. Q. You understood that as an instance at that time in the mind of Bonney, and that he was demonstrating that all men had a price?—

A. Yes.

199. Q. You gave the conversation this morning in full, did you?—A. Yes, the principal part of it.

Redirect examination:

200. Q. You stated upon your cross-examination that you did not think the voter Baker received a pecuniary consideration for his vote. Now state what you think from the facts and circumstances he did receive.—A. The promise of and work on the Union school-house.

201. Q. Did you notice the balance of Baker's ticket?—A. No, sir.

202. Q. Who was Kelloway working specially for?—A. As far as I observed it was for Mason.

203. Q. Did you hear him talking in a very loud voice in the hall, "That Mason is the man who gave us work," or other very loud language?—A. I don't recollect that I did.

204. Q. How far had this voter got away from the ballot-box when Kelloway said to him "You can come on in the morning"?—A. It was but a few feet from the east end of the table, just back out of the crowd a little.

205. Q. Who did you learn from he had applied to Kelloway for work before?—A. Charles Johnson, another carpenter at work on the house.

206. Q. Do you know how Charles Johnson voted?—A. I know how he told me he voted. I did not see his ticket.

207. Q. Was that a time when labor was scarce in this village?—A. I think work was scarce for mechanics.

208. Q. How do you know that Kelloway was opposed to Mason as late as Saturday before election?

(Objected to; all gone over February 27, not in rebuttal, seeking to give affirmative proof, which are expressly forbidden by the statutes, and contestee no power to answer the same if the satisfactory limit is enforced. Objection overruled, Underhill dissenting.)

A. All that I know was he met with the Greenback club a little while that evening but did not express any sentiments in my hearing as to Judge Mason.

209. Q. Did he participate in the meeting?—A. I don't know as he did; there was no regular meeting.

210. Q. Do you know the signature of Charles Kelloway?—A. I don't know as I do.

211. Q. Do you recognize your signature upon exhibit marked for identification?

(Objected to as before; same ruling.)

A. I do.

212. Q. And who heads the list?

(Objected to as before; the paper is the best evidence; same ruling.)

A. H. H. Keith.

213. Q. You say that Charles Kelloway is in fair repute except in politics. What is his repute in politics?

(Objected to as before; same ruling.)

A. Last fall he had the reputation of not being depended on very much.

214. Q. You say he attended the county convention?—A. My best recollection is that he did. I know he was appointed.

215. Q. State what the politics of Beebe, Manchester, and Wright, the building committee?

(Objected to as before; same ruling.)

A. Beebe and Manchester are Republicans; can't say as to Wright.

216. Q. You stated upon your cross-examination in February last that you saw no indications of the use of money. I did not have time to examine you, and now ask you if all you meant by that was that you had no personal knowledge of money being paid?

(Objected to as before, and as leading, incompetent and immaterial; same ruling.)

A. That is what I meant; yes.

Recross:

217. Q. Did you ever hear any one say they saw money paid?—A. No, sir.

218. Q. Did you ever hear any one say that they knew money was paid?—A. No, sir.

219. Q. Was not Mr. Wright a Greenbacker?—A. I don't know; he never met with us when I was there.

220. Q. Did you not so understand him to be?—A. No recollection of hearing Mr. Wright's politics mentioned.

221. Q. Was not Charles Johnson a Greenbacker?—A. I don't know that he was.

222. Q. Do you know that he was not?—A. No, sir.

223. Q. When did you commence your activity in this contest?—A. When I was summoned up here as a witness in February.

224. Q. You felt a deep interest in it at that time?—A. No particular interest.

225. Q. Are you as zealous in the matter of this contest in behalf of Mr. Duffy as you were for Mr. Duffy at the polls?—A. I am not.

226. Q. And can you explain why it is that you have fallen away from Duffy?—A. I don't say I have fallen away from Duffy.

227. Don't you, upon reflection, recall the fact that Charles Kelloway did not attend the Greenback county convention?—A. I would not say that he did, upon reflection. My best recollection is that he did, however.

228. Q. Do you remember seeing him at the convention?—A. I have no recollection.

229. Q. Are you as strongly inclined that he attended the convention now as you were on your direct?—A. Yes.

230. Q. I take it that if Charles Kelloway was appointed as a delegate to that convention to represent that very excellent body of men known as Hamilton Greenbackers you regarded him as a pretty good man?—A. I always regarded him as respectable, except as to politics.

231. Q. Did you send him as a representative to a political convention so pure as that because you knew of his political corruptibility?

(Objected to on the ground that the subject is exhausted. Objection sustained, Underhill dissenting.)

A. I did not send him.

232. Q. Were you sent as a delegate to the same convention?—A. I attended.

233. Q. Did you feel any embarrassment arising from the association?—A. No.

234. Q. Down to the time of the election day, did you know anything against him politically?—A. If you ask that all night I shall not answer it, as I have answered it several times by questions propounded by Mr. Lamoree.

235. Q. What day in the campaign did you first lose confidence in the political integrity of Charles Kelloway?

(Objected to upon the ground that the question has not been exhausted.)

A. From the latter part of the week before election till election morning or day.

236. Q. Then you heard something on that subject during the week previous to election?—A. Yes, sir.

237. Q. And that something led you to suspect that he would break his relations to the Greenback party?—A. I heard it suggested that they were trying to get all the votes they could for Mason, and that Charles might be a little doubtful on member of Congress.

238. Q. And that was the first thing you ever heard reflecting upon his political character?—A. I have not said so.

239. Q. Then you don't mean to say that his political integrity was good up to that time?—A. I mean to say I don't know anything about his political integrity up to the time he joined the Greenback party.

240. Q. Can you state why it was that you, in your ambitious efforts for Mr. Duffy in February last, omitted, in your long examination, to make any reference to the Baker-Kelloway transaction at the polls, if you attached the slightest importance to them?—A. In the first place, I don't know as my ambition was very great, and Mr. Lamoree did not ask me, anything about it.

241. Q. But Mr. Lamoree was not Mr. Duffy's counsel?—A. No one asked me, then.

242. Q. But you had conferred with Mr. White, who represents Mr. Duffy, before taking the stand?—A. Only in regard to one thing; not this.

243. Q. Do you understand that the whole Kelloway family remained steadfastly with the Republican party at the present spring election?—A. I did not know anything about it.

244. Q. You stated that Charles Kelloway worked specially for Mason?—A. Yes.

245. Q. What do you mean by specially?—A. His greatest efforts were for Mason.

246. Q. Mason was the only local candidate on the ticket, was he not?—A. I think so.

247. Q. Can you swear of your own knowledge that he was not equally zealous for the whole ticket?—A. Yes; as far as my observation went.



248. Q. Did you watch him specially, so as to know what his special efforts were?—A. I did not watch him.

249. Q. Do you say that there was a political gathering on the Saturday night before election?—A. Yes; I said there was a gathering.

250. Q. Will you swear positively that Charles Kelloway was there?—A. I think I will. He came in and said he was going to Poolville.

251. Q. What time in the evening was it?—A. Early in the evening.

252. Q. What was that meeting called for?—A. I don't recollect.

253. Q. Were there not more or less people there who were not Greenbackers?—A. I can't say.

254. Q. Did he take part in the meeting?—A. No. I may possibly be mistaken as to its being Saturday night. It was the night Keith spoke at Poolville, and it might have been Friday night.

ALBERT DART.

Subscribed and sworn April 7, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of Frank Kennedy.*

APRIL 7, 1879.

FRANK KENNEDY sworn, testifies as follows:

1. Question. Do you know Charles Kelloway, sometimes called Jack?—

Answer. Yes, sir.

2. Q. Did you belong to a Greenback club in this village during the last fall's campaign?—A. Yes, sir.

3. Q. Was Charles Kelloway a member of it?

(Objected to; immaterial and incompetent. No part of rebuttal, seeking to give affirmative proofs, which are not allowed under the statute, and no opportunity is allowed for contestee to answer. Objection overruled. Underhill dissents.)

A. He was.

4. Q. Did you see Charles Kelloway sign the paper now produced to you?

(Objected as before; same ruling.)

A. Yes, sir.

(Paper marked, as identified by Kennedy, "Ident., witness Kennedy.")

5. Q. Did he attend Duffy meetings?—A. Yes, sir.

6. Q. Did he leave the hall while Duffy was speaking, or did he stay till he was through?—A. I don't know as to that.

7. Q. Did you hear him after the meeting say anything about the speech; if so, when and where and what?

(Objected to same as before; same ruling.)

A. I don't remember of hearing him say anything about Duffy's speech.

8. Q. Nor about Mr. Duffy any time after the meeting?—A. No.

9. Q. Did he attend your meetings after that?—A. Yes.

10. Q. And you did not hear him say anything against him?—A. No, sir.

11. Q. When was the first you heard he was a Mason man?

(Objected to as before; same rulings.)

A. The first I learned was election day.

12. Q. What position, if any, did you hold in that club?—A. Treasurer.

13. Q. What other of the Kelloway boys were on the roll, if any?

(Same objection; same rulings.)

A. Charles Kelloway authorized the name of James Kelloway to be put on the roll.

14. Q. Do you know William Kelloway?—A. Yes.

15. Q. Is he a brother of Charles?—A. I think he is.

16. Q. During the night before election, did you go to the town pump after a pail of water?—A. I did.

17. Q. Where did you then live?—A. In Mott's block.

18. Q. What time of evening was it?—A. Between nine and half past nine.

19. Q. Were there many people or any people on the streets?—A. I met none.

20. Q. How near the post-office corner or the stairway to Foot's block did you go?—A. Twenty-five or thirty feet I should think.

21. Q. From that point did you leave the walk and go directly toward town pump?—A. Yes.

22. Q. Did you hear some men talking apparently behind those stairs which lead to offices above?

(Objected to as before; same rulings.)

A. Yes.

23. Q. Did you recognize any one's voice? If so, state whose.

(Objected to as before; same rulings.)

A. I recognized William Kelloway's voice or a voice that sounded like his; yes.

24. Q. You have known him many years, have you?—A. Yes; eight or ten years.

25. Q. He kept saloon here for several years, did he, and you were frequently in his saloon and heard him talk?—A. Yes.

26. Q. Where did you judge the men were who were talking, from the sound of voice?

(Objected to as before; same ruling.)

A. Back of the pillars or behind of the stairs, not in sight; I thought they were back of the first pillar.

27. Q. What did you hear him say?

(Objected to for all the reasons heretofore given, and for the further reason the witness has not shown himself qualified, having seen no one and being confined solely to a voice which he cannot fully identify; the witness has established his own disqualifications. Same rulings.)

A. He said he could make 20 votes difference either way.

28. Q. Did you recognize the other voice?—A. No; I did not.

29. Q. Had you any doubt, at the time, but that it was Wm. Kelloway's voice?

(Objected to same as before; same ruling.)

A. I thought it was him, and had no doubt but what it was him.

30. Q. His having made similar remarks to others, have you any doubt now but that it was his voice?

(Objected to as before, and further reasons that the preamble states a fact not proven; same ruling.)

A. No.

31. Q. The other voice was a little lower?—A. It was so low, I could not recognize it.

32. Q. Did you hear that remark distinctly, so that you could swear to it?

(Objected to as before; same ruling.)

A. Yes; I did.

Cross-examination:

33. Q. Have you been up in Mr. White's office lately?—A. Yes, sir.

34. Q. When were you last there?—A. Yesterday.

35. Q. And that was on Sunday, was it not?—A. Yes.

36. Q. What were you doing up in Mr. White's law-office on Sunday?—  
A. I went up to see Mr. White, as he wanted to see me.

37. Q. When did White invite you to come to his office?—A. Yesterday.

38. Q. Where did Mr. White extend that invitation to you?—A. On the street.

39. Q. Whereabouts on the streets did you first meet White yesterday?—A. In front of drug-store Bonny and Welton.

40. Q. About what time in day was it you first met White?—A. Half past six or seven last evening.

41. Q. And did you immediately accompany White to his office?—A. Yes, sir.

42. Q. Had you ever talked with White before that occasion what you was to swear to here?—A. No, sir.

43. Q. Have you ever talked to any one with reference to your testimony which you were to give here?—A. No, sir; I did not know I was agoing to give any testimony here.

44. Q. Had you ever told any one this conversation that you heard then under the stairs?—A. Yes.

45. Q. Who was the last person you told it to?—A. I don't remember; I told it to several; my father was the last man.

46. Q. When was that?—A. This afternoon.

47. Q. And who was next to the last?—A. I don't remember.

48. Q. State as near as you can.—A. I told Mr. White of it.

49. Q. When?—A. Some day last week; don't remember the day.

50. Q. Can you name any other person that you told?—A. I can't name any other.

51. Q. Where did you have the conversation with White a week ago?—  
A. I think I met him on street.

52. Q. When was it, and where was it?—A. I don't remember the day; near the middle of the week.

53. Q. Did you say it was near the middle of the week, because you did not want to break another Sabbath?—A. No, sir; I am not very scrupulous about breaking the Sabbath.

54. Q. Do you know of anything you are scrupulous about?—A. I don't know as that has got anything to do with the case.

55. Q. Have you ever been arrested?—A. Yes, sir.

56. Q. What for?—A. On the charge of bastardy.

57. Q. Well, you were guilty, I suppose?—A. The courts did not say so.

58. Q. This was with your sister-in-law, was it not?—A. Yes, sir.

59. Q. And you settled the matter?—A. No, sir.

60. Q. Your sister-in-law swore this child onto you, did she not?—A. I refuse to answer further. I think I have answered it sufficiently.

61. Q. Where were you living at the time of the last election?—A. In this village, town of Hamilton.

62. Q. In what building and what floor?—A. Mott's block, on first floor above and below.

63. Q. What is your business?—A. Teamster.

64. Q. Did you find out, when you got up into Mr. White's office yesterday, what it was for?—A. Yes, sir.

65. Q. It had nothing to do with this case, I suppose?—A. He asked me what I knew about it.

66. Q. And what did you say to that?—A. I told him what I knew about it.

67. Q. Give your language.—A. I don't believe I can give it as I spoke it then.

68. Q. Give it as near as you can.—A. He asked me in regard to what I knew about it, and I told him I was going to the town pump after water night before election, and in going to the pump I heard some men talking back of the pillars on Foote & Taskill's store, and I recognized the voice of William Kelloway, and he was saying he could make twenty votes either way.

69. Q. Go on with the conversation.

(Objected to; that it is immaterial, except so far as relates to his evidence; and further, that being developed that he had that conversation, and that it is put to consume time. Objection overruled.)

A. That is all I said upon that subject.

70. Q. Did Mr. White say anything upon that subject?—A. I don't remember just what he said, but said something with reference to it.

71. Q. Can you remember one word he said?—A. I don't remember anything that he said.

72. Q. Then your answer to my question is that you do not remember a word he said?—A. No particular word.

73. Q. Do you remember the substance of what he said, so you can relate it here?—A. Yes.

74. Q. State it.—A. That it would be good evidence, what I told him.

75. Q. And did he seem pleased with it?

(Objected to; immaterial and additional grounds, &c. Objection sustained. Underhill dissents.)

A. I don't know whether he was pleased or not.

76. Q. How long were you there in the office?—A. Twenty or thirty minutes.

77. Q. Any one else there beside you and White?—A. Leonard was there part of the time.

78. Q. Was there anybody else there?—A. Yes.

79. Q. Who?—A. Mr. Briggs, Mr. White's clerk.

80. Q. And now, sir, did you have any further conversation with reference to this contest?—A. Yes.

81. Q. You may state it.

(Objected to as immaterial and to consume time. Objection sustained.)

82. Q. Did you have any other conversation at any time with White?—A. Yes, sir.

83. Q. When?—A. Two or three weeks ago.

84. Q. Where was it?—A. Some where on the street.

85. Q. Whereabouts on the street?—A. I can't tell.

86. Q. What did you say to him on the subject of this conversation on the night of election?

(Objected to; immaterial and same grounds. Objection sustained; Underhill dissents.)

A. I don't remember what I said in regard to it.

87. Q. Did you say anything to him on the subject of that conversation?—A. I think I did.

88. Q. Are you sure that you did?—A. I am not sure whether I spoke of that particular conversation or not.

89. Q. Then you are not sure you ever spoke with him upon that conversation?—A. Yes.

90. Q. When and where?—A. I don't remember exact date nor just where I was, but think we were between here and my house.

91. Q. Who was present?—A. No one but him and I.

92. Q. That was the conversation which you spoke of as taking place about the middle of the week?—A. I don't know; I can't tell; you have got so many conversations. Yes, that is the one.

93. Q. You were going one way and White the other?—A. I met Mr. White; we were going in opposite directions.

94. Q. Had you ever talked with him about that conversation before?—A. Yes.

95. Q. Give the conversation that occurred between you and Mr. White last week, in reference to that conversation.

(Objected to as asked to exhaust time, and immaterial, and been sufficiently answered. Objection sustained. Underhill dissents.)

A. I don't know what he said; I don't remember whether he or I spoke first; then I told him this conversation as I heard it there; I went to town pump after a pail of water evening before election, and in crossing over from Bonney & Welton's, I heard some men talking back of those posts at the post-office corner, at Foote and Gaskill's; I recognized the voice of William Kelloway, or one that sounded like his, saying that he could make twenty votes either way. That is all I remember upon that subject.

96. Q. On how many different occasions have you recited that conversation to Mr. White?—A. Three or four times; I think three times.

97. Q. When was the first time?—A. I don't remember; about three weeks ago.

98. Q. Where was the first conversation?

(Objected to; like reasons as before stated. Objection sustained. Underhill dissents.)

A. On the street somewhere; I can't tell; I met him every day between his house and the village.

99. Q. At what other point or place did you ever talk with him on subject of overhearing Kelloway?—A. I can't locate it now, as I meet him so often every day, when coming and going from the house.

100. Q. Then can you tell who was present?—A. I think no one but him and I.

101. Q. If I understood you correctly, you have never talked this matter over with White when any one was present except Leonard and Briggs last night?—A. That is so.

102. Q. Does your father live with you?—A. No, sir.

103. Q. How far does he live from you?—A. One-fourth or one-half mile.

104. I understand you to say that you did not see anybody at the time you heard that conversation; did you see the persons who were talking?—A. No.

105. Q. Did you listen to hear what they were talking?—A. I slacked my pace.

106. Q. Can you swear positively that William Kelloway was on that corner that night?—A. No, sir.

107. Q. All you mean to say is this, is it not, that you said on your direct examination that it was a voice that sounded like William Kelloway's voice?—A. I took it to be William Kelloway's voice.

108. Q. May you not have been mistaken?—A. I might have been mistaken, but I think it was his voice.

109. Q. If William Kelloway should swear that that was not his voice, would you believe him and think yourself mistaken?

(Objected to as incompetent and improper. Objection sustained. Underhill dissents.)

A. No, sir.

110. Q. Have you worked with William Kelloway?—A. No, sir.

111. Q. Have you ever lived with him or has he with you?—A. No, sir.

112. Q. Have you ever been in his house or he in yours?—A. I have been in his house.

113. Q. How many times?—A. I can't say.

114. Q. Have you ever been in his house when he was there?

(Objected to as immaterial. Objection sustained.)

A. Yes.

115. Q. Have you been requested to answer your questions slowly?—

A. No, sir.

116. Q. Have you been much in his saloon?—A. Yes.

117. Q. Could you form any inquiry who the other person was from the voice?—A. No, sir.

118. Q. I want you to fix the hour as near as possible—the hour of that conversation the night before election.—A. Between 9 and 10 o'clock p. m.

119. Q. Did you stop walking until you reached the pump?—A. No.

120. Q. How far distant was the pump from where the men were talking?—A. About 40 feet.

121. Q. Had the post-office closed?—A. Yes, sir.

122. Q. Did you hear this conversation while going to or from the pump?—A. Going to.

123. Q. Have you ever heard who the other man was?—A. No, sir.

124. Q. Do you know whether it was W. K. Lippitt or not?—A. I have said I did not know.

125. Q. You heard nothing said about money?—A. No, sir.

126. Q. Was this substantially on the post-office steps?—A. Yes, sir.

127. Q. When was it that Charles Kelloway joined the Greenback club?—A. When we first organized.

Adjourned to to-morrow night at 7 p. m. to finish this testimony.

Cross-examination resumed at 7.30 p. m., April 8, 1879.

128. Q. About what time in the year was that?—A. It was in October.

129. Q. How many weeks or months before the election?—A. Three or four weeks; might be longer.

130. Q. Is that the night that this paper was got up that was shown to you last night?—A. No, sir.

131. Q. When was that got up?—A. The 26th day of October.

132. Q. For what purpose was that got up?—A. To defray the expenses of the Greenback club.

133. Q. What expenses?—A. Necessary expenses. Rent of club-room, lights, and fuel, &c.

134. Q. How many times did you use the hall?—A. Once. We used Tripp's Hall.

135. Q. What was that for?—A. A public meeting. Mr. Duffy.

136. Q. What day was that meeting?—A. I don't remember the date.

137. Q. Was that before or after the meeting?—A. Paper was got up after the meeting.

138. Q. How do you know that fact?—A. Because we did not undertake to raise any money until after Duffy spoke here.

139. Q. How do you know this paper was gotten up the 26th day of October?—A. I looked at paper and saw it was dated 26th October.

140. Q. When did you last examine the date?—A. Last night, when Mr. White showed it to me.

141. Q. Could you have told the date without looking at that paper?—A. I could. I knew the date a week ago.

142. Q. Then you must have known the date ever since the paper was gotten up?—A. I have seen the paper so many times I could not help knowing.

143. Q. Where was it?—A. Over at my house.

144. Q. Then you had the keeping of that paper?—A. Yes.

145. Q. You stated last night you was the treasurer of the Greenback club?—A. Yes.

146. Q. Did you ever receive a cent from Charles Kelloway in aid of this club?—A. No, sir.

147. Q. Did you ever receive a cent from any one of the Kelloways for that purpose?—A. No, sir.

148. Q. How do you account for the fact that the Kelloways had so little sympathy for the Greenback cause?—A. I did not ask them for anything.

149. Q. Why did you not ask them for something, or were you well healed on the financial question?—A. For the very reason I did not ask anybody. It was voluntary.

150. Q. Then Charles was not a faithful volunteer on the money question, and was equally unfaithful on the voting question?—A. I knew he was unfaithful on the money question, and as to voting I was not at the polls.

151. Q. Well, you did not regard him, then, as much of a member, did you?—A. Yes, sir.

152. Q. What made you think he was much of a member?—A. By his conversation and his attendance.

153. Q. Charles Kelloway is quite a talker, is he not, on all subjects?—A. I believe he is.

154. Q. Is Charles in the habit occasionally of drinking?—A. I can't testify to that. I never saw him drink.

155. Q. You may state what the weather was on night before election?—A. I think it was dark and cloudy.

156. Q. How as to its being warm or cold?—A. I think the night was cool.

157. Q. Did it snow?—A. I don't know.

158. Q. Was it windy?—A. No, not very, if I remember right.

159. Q. Can you say it was not exceedingly windy, and from the northwest?—I can't say as to point of wind; but think not exceedingly windy.

160. Q. Where were you from ten o'clock until one that night?—A. I think I was up in club-room part of evening; don't remember what hour. I think I was in bed before one.

161. Q. Have you a distinct recollection where you were from ten to one o'clock?—A. I have not.

162. Q. Did you go to the town pump between the hours of ten and one o'clock that night after you got this water?—A. No.

163. Q. Have you examined the ground to-day in the vicinity of this pump and the corner where you heard these voices?—A. I have this evening.

164. Q. Did you examine it by daylight?—A. Yes, I think it was light.

165. Q. As I understand the course taken by you in going from your home to the pump you passed a portion of the way down the sidewalk

in front of Bonney & Welton's drug-store easterly, and there you turned and went diagonally toward the pump, southeasterly, by the nearest route from the point where the cross-walk intersects the sidewalk to the town pump?—A. Yes; I usually go that way, and probably went that way that night.

166. Q. Had you continued down that sidewalk easterly you would have reached the corner, I take it, at which you heard those voices?—A. Yes.

167. Q. How far is it from where you left the sidewalk to go to the pump before you would reach the corner where the men stood?—A. Ten paces—thirty feet—I made it.

168. Q. And how far does the pump stand from the corner?—A. I should think perhaps twenty-three paces—sixty-nine feet.

169. Q. The further you went after turning off in the direction of the pump the further you would be from the corner, would you not? Give the measurements.—A. The three lines spoken of form a triangle. The angle at the pillar at Foote & Gaskill's corner is very obtuse, and the angles at the pump and at the point where I left the cross-walk are very acute, and the line from the cross-walk to the pump runs in such direction that the distance from the pillar at the corner of a person walking on that line but slightly increases as he approaches the pump until about the center of that line is passed, and then, of course, the distance increases more rapidly.

Redirect-examination :

170. Q. How long have you been in the employ of Mr. Smith, a coal dealer in this place, and his predecessors in his business?—A. Over eleven years.

171. Q. Continuously till now?—A. With the exception of three or four months at the commencement of Mr. Smith's —

172. Q. Had no other troubles of a like nature in your life than that which Mr. Lamoree, under the instructions and advice of malignant men, asked you last evening.

(Objected to; question assumes a fact not proven. Objection overruled.)

A. No.

173. Q. You are a man of a family, I take it?—A. Yes.

FRANCIS KENNEDY.

Subscribed and sworn, April 8, 1879.

S. E. SCRANTON, JR.

*Notary Public for Madison County, New York.*

*Deposition of J. Eugene Wedge.*

APRIL 8, 1879—8 p. m.

EUGENE WEDGE, sworn, testifies as follows:

Direct examination by S. D. WHITE :

1. Question. What is your age?—Answer. 35 years.
2. Q. Do you now reside in this place?—A. I do, and have 14 years.
3. Q. What is your present occupation?—A. Lumber and coal dealer.
4. Q. Prior to that were you in mercantile business here?—A. Yes, sir.
5. Q. What portion of the day were you present at the polls at the last election, November 5?—A. Nearly all day.
6. Q. Did you peddle tickets nearly all day?—A. I did.
7. Q. Have you been subpoenaed by both parties to this contest?



(Objected to; immaterial, incompetent, not in rebuttal. Objection overruled. Underhill dissents.

A. I have.

8. Q. What were your politics at that time?—A. A Greenbacker.

9. Q. What were you before you were a Greenbacker?—A. Republican.

10. Q. Were you present when the negro Hollingsworth voted.

(Objected to same as before. Same ruling.)

A. I was.

11. Q. Was Joseph Mason, the contestee, also present?

(Objected to as incompetent; not being evidence in rebuttal, but evidence in chief. Same ruling.)

A. I will not swear positively. I think he was.

12. Q. How far were you from negro when he voted?

(Objected to as before. Same ruling.)

A. Perhaps 10 feet; I can't state exactly.

13. Q. How far, as you recollect, was Mr. Mason from him when he voted?—A. I can't swear positively; he was in the room. I can't say.

14. Q. Have you heard that Mr. Mason claimed he was not present when the negro voted?—A. No, sir.

15. Q. What makes you think he was there?—A. I noticed him a short time before the negro voted.

16. Q. How long a time before?—A. I can't say.

17. Q. About how long?

(Same objections. Same rulings.)

A. I have no data that I can fix the time, further than I saw him receive and read a telegram perhaps half hour previous to the time the negro voted.

18. Q. When was the first that you learned that Charles Kelloway was going to support Mason?

(Objected to as before. Same ruling.)

A. On the morning of election.

19. Q. Were you a member of the Greenback club, and was he also?—A. I was; can't say whether he was or not.

20. Q. Did you understand that he was a Greenbacker?

(Objected to as before. Same ruling.)

A. I understood so, inasmuch as he attended nearly all the meetings that I did.

21. Q. How late do you remember of his being in attendance upon a Greenback meeting?

(Objected to as before. Same ruling.)

A. I can't give the date. The same night Mr. Duffy spoke, and after the speech he was in club-room.

22. Q. What did he say of Mr. Duffy or his speech?

(Objected to as before. Same ruling.)

A. I had no conversation with and did not hear him say anything.

23. Q. Did you understand that the other members of the family were opposed to Mr. Mason?

(Same objections. Same ruling.)

A. Yes; I heard so.

24. Q. When did you first learn they were supporters of Mason?

(Same objection. Same ruling.)

A. On the morning of election day.

25. Q. Did Charles F. Risley work for Mr. Mason that day?

(Same objection. Same ruling.)

A. He did.

26. Q. Do you know of his saying the day before election that he would have his right hand cut off before he would vote for Mason?

(Same objection and ruling.)

A. I heard him say repeatedly in my office that he would not vote for Mason; can't say it was day before election.

27. Q. Is he a Republican?—A. I think he was.

28. Q. What reasons did he give for not voting for him?

(Same objection. Same ruling.)

A. I can't say.

29. Q. How late did you hear him make such remarks?—A. I know it was the week before election; can't say what day.

30. Q. Was it not pretty generally talked on the day of election that Mr. Mason's friends were using money in his behalf?

(Objected to for all the reasons above given. Same ruling.)

A. I heard such talk.

31. Q. Did you hear Charles Kelloway make any statements on election day as to the reason of his change of vote?

(Same objections and rulings.)

A. I did.

32. Q. What was said?—A. He said he was work[ing] from principle.

33. Q. Did he state it apparently in a joking way, as you received it?

(Same objections. Same rulings.)

A. That is a hard question to answer. I heard him say it several times during the day.

34. Q. How did you understand that remark?

(Same objections. Same rulings.)

A. I understood it as he said it.

35. Q. You say you understood it as he said it. Do you mean you understood it in the manner in which he said it?

(Same objections. Same rulings.)

A. Judging from his actions I took him to be sincere in his remark. He was peddling tickets then, and also all day.

36. Q. Have you any further answer to give to that?—A. I don't know as I have.

37. Q. What reason can you give for so sudden a change as you understood the change to be, accompanied with the repeated suggestions during the day that it was principle he was working for?

(Same objections. Further reason, witness not obliged to give a reason. Same rulings.)

A. There might be a thousand reasons in his mind. I don't know what his reason was. I supposed he had changed his mind. The reason he made the remark so many times was as people interrogated him in relation to his change he would reply in this way. He said he had got enough of Duffy.

38. Q. Did he say anything against Mr. Duffy when you met him at the Greenback club-room?—A. I did not hear him say anything.

39. Q. Was it not generally talked on day of election among your party friends that he had been purchased?

(Same objections. Same rulings.)

A. I heard such talk.

40. Q. Was there such talk not only in relation to him, but would not people speak in the same way in relation to the rest of the family, that the Kelloway boys had been bought?

(Same objections. Same rulings.)

A. I heard one man make the remark that the Kelloway family were all bought.

41. Q. Who was that ?

(Same objections. Same rulings.)

A. I decline to answer.

42. Q. Why do you decline to answer ?—A. The question is too personal.

43. Q. You say it was rumored on the day of election that Mason's friends were buying votes for him. Please state what names were mentioned as being thus engaged.

(Same objections, and further that the preamble to the question is not true. Same rulings.)

A. I don't know as I heard any names mentioned.

Examination resumed at 7 p. m. April 9, 1879.

44. Q. You said you heard Charles Kelloway say on the day of election that he was working for Mason on principle. Did you not also hear him say on one occasion that day that he was at work for stamps, or stamps are at work to-day ?

(Objected to; immaterial and incompetent, and is calling for evidence which is not in rebuttal only. Objection overruled. Underhill dissents.)

A. I don't remember that I did.

45. Q. State what you desire upon that subject.

(Same objections. Same rulings.)

A. On the day of election when I saw Kelloway peddling votes I asked him the question, how much he got for this; his answer was, that he was working from principle and not money.

46. Q. What was there to my question which called for that answer ?—

A. That was what I asked, if I could explain the conversation I had with him that day.

47. Q. I have been informed that you stated you heard Kelloway say something about "stamps" in connection with his vote or work. I now ask you if you heard him use the word "stamps" that day ?

(Same objections. Same rulings.)

A. I don't remember that I did; no, sir.

48. Q. When he used the words "working for principle" that day, so far as you could observe from the manner of men, how was it received by men ?

(Same objections. Same rulings.)

A. I can only speak for myself certainly; I can't say how others received it. I received it just as he said it.

49. Q. How did he say it ?—A. He said it with his mouth.

50. Q. Do you mean to say that when this Charles Kelloway was at work for Mason, and you had known him to be, as you have testified, an opponent of Mason up to the morning of election, as you supposed, and then during the day frequently saying "I am at work from principle," that you received it in earnest ?

(Objected to for all the reasons before given, and for the further reason that witness fully answered under objection last evening. Same ruling.)

A. I can't say how I did receive it at that time. It was very evident to me he had changed his mind, but for what reason I did not know.

51. Q. What is your best recollection as to how you received it ?

(Same objection. Same ruling.)

A. I thought that something had changed his mind.

52. Q. Did you have any suspicion as to the cause ?

(Same objections, and question is leading. Same rulings.)

A. I think I did.

53. Q. Please state those suspicions?—A. I cannot answer that question.

54. Q. What was the nature of those suspicions?

(Same objection. Same ruling.)

A. I decline to answer the question.

55. Q. I have been informed that you asked Charles Risley, on the day of election as you saw him at work for Mason, as to the reason of his change, and that he informed you in substance that it was hard times; have I been informed correctly in words or in substance?

(Same objections. Same ruling.)

A. During the conversation I had with him on that day he made the remark it had been a hard season.

56. Q. Was that the conversation in which you were talking to him and to which you referred to last evening in which the inquiry came up as to this change?

(Same objections. Same rulings.)

A. He made that remark in the conversation I had with him on that day.

57. Q. Did you in that conversation to which you last referred talk with him as to the reason of his change?

(Same objections. Same rulings.)

A. I think I did.

58. Q. Did you inquire of him as to the cause of his change and the cause of his supporting Mason?

(Same objections. Same rulings.)

A. I did.

59. Q. Did he give you to understand that hard times was the cause of the change?—A. No; I did not so understand.

60. Q. Have you not so stated since the day of election?—A. I don't think I have; no, sir.

61. Q. Will you swear you have not?

(Same objections. Same rulings.)

A. I will.

62. Q. Are both Kelloway and Risley carpenters in this village?—A. Yes.

63. Q. And are you a retail lumber dealer in this village?—A. That is my business.

64. Q. You stated last evening that you thought that Mason was present when Hollingsworth voted; what made you so think?

(Objected to same as before, and fully stated last night. Same ruling.)

A. My attention was called to him a short time before the negro Hollingsworth voted, which I think was the last vote, and I saw him a short time after he voted and think he was in the room when he voted.

65. Q. How long after he voted before you saw him?—A. Soon after the polls closed; can't say as to minutes.

66. Q. What did you see him doing?

(Same objections. Same ruling.)

A. I saw him at the table where the votes were being canvassed.

67. Q. Could you give us an idea about how long it was after the negro voted before you saw him?

(Same objection. Same ruling.)

A. I think I saw him two to five minutes after the negro voted.

68. Q. Well, how long before the polls closed that you saw him?

(Same objections. Same rulings.)

A. My impression was at the time that he was there.

69. Q. Why did you have that impression ?

(Same objections. Same rulings.)

A. From having seen him there the most of the day.

70. Q. Is it not now your best recollection that Mr. Mason was then present when Hollingsworth voted ?

(Same objections. Same rulings.)

A. My best recollection is he was there, still he might not have been. My attention was not called to it.

71. Q. Was there considerable excitement over that vote ?

(Same objections. Same rulings.)

A. There was considerable excitement.

72. Q. Were you very indignant yourself ?

(Same ruling. Same objections.)

A. I was.

73. Q. Why were you so indignant ?

(Same objections. Same rulings.)

A. From the fact that I understood he was not a voter and not entitled to vote. That was all the reason.

74. Q. I suppose you believe he was not a voter ?—A. I did.

75. Q. Did Mason's clerk urge him to vote ?

(Same objections. Same rulings.)

A. He went to the polls with him ; I could not hear what he said to him.

76. Q. For the period of half an hour after he voted were there not frequent remarks both of jesting and of indignation in regard to the negro's vote ?

(Same objections. Same ruling.)

A. I heard a good many remarks and made some myself.

77. Q. Did they not, to a certain extent, continue during quite a portion of the canvass ?

(Same objections. Same ruling.)

A. I think they did.

78. Q. What remarks did you make ?

(Same objections. Same rulings.)

A. I made the remark that it was an outrage, and if there did not any one else get him indicted, I would.

79. Q. When did you make that ?

(Same objection. Same ruling.)

A. At the time.

80. Q. Did you make any other remarks after that ; if so, when ?

(Same objection. Same rulings.)

A. I presume I did ; I can't recollect ; I felt very indignant.

81. Q. Were those remarks, what you say continued for half an hour after the negro voted, made in the hearing, as you think, of those who sat around the table ?

(Same objections. Same rulings.)

A. They were made about the table and in the hall ; I can't say who heard them ; I would think they were made loud enough so that parties not otherwise engaged could not help hearing them.

82. Q. And were some of those remarks decided and emphatic and expressive of indignation ?

(Same objection. Same ruling.)

A. I should say they were.

83. Q. And were some threatening ?

(Same objection. Same ruling.)

A. I don't know that I heard any only my own remark.



84. Q. Did you last evening, after you got through your testimony, have a conversation with either of contestee's counsel in relation to your testimony?—A. Your question requires two answers; first, I did have a conversation with Mr. Lamoree; second, the conversation we had was not in relation to my testimony, but he tried to convert me and I him, on politics.

85. Q. Did he ask you or did you tell him anything in relation to the subject of this inquiry?—A. He did not ask me anything about the evidence I had given or was to give, but told me of evidence given in Oswego County.

86. Q. Do you think that Mr. Lamoree was entirely prudent in not trying to learn the least thing which would aid his case while talking with you, or had he talked with you before while you were under subpoena from his side?—A. I never had any conversation with him till last evening, except once at Tripp's Hall in White's presence.

87. Q. At a short intermission a few moments since I observed you and Mr. Lamoree "cheek by jowl" and I heard some whispers which I could not understand; were those whispers in relation to this contest?—A. They were.

88. Q. Were they so confidential that you dare not repeat them?—A. They were not.

89. Q. Since you were subpoenaed have you had any confidential whispering with Risley and Kelloway?—A. No, sir.

#### Cross-examination:

90. Q. I understand you to say that you never met Charles Kelloway at the Greenback club room after the night of Duffy's speech; am I correct?—A. Yes, sir; I don't remember of it.

91. Q. When was Duffy's speech?—A. October 22, I think.

92. Q. In your judgment was Mr. Duffy's speech an unfortunate one for him in Hamilton?—A. I think it was.

93. Q. You have been asked this evening with reference to your conversation with Charles F. Risley on election day, and fragmentary portions have been ingeniously drawn out or called for by Counselor White; you may give other portions of that conversation.—A. When I met him on election morning I asked him what it meant that he was peddling votes for Mason; I thought he had said he would not support him. He answered that he had said so, but he could not go the other man, and as Mason had got the nomination on the Republican ticket he would support him. That was the part I wanted to explain. The rest of conversation occurred during our talk.

94. Q. You said last evening that it was talked on election day by some of the Greenbackers that Charles Kelloway had been bought. Did you hear Albert Dart and John W. Rowland insinuate to that effect?—A. I decline to answer the question.

95. Q. Upon what grounds?—A. Personality of the question.

96. Q. You also stated at the same time that you heard one man make the remark that the whole Kelloway family had been bought. You then declined to state who that person was and gave your reason; do you still decline?—A. I do.

97. Q. Was that gentleman a member of the Greenback party at that time?—A. I decline to answer that also.

98. Q. Would you be willing to swear positively that you saw Judge Mason at any time after he received the dispatch of which you made mention last night and up to the time that you saw him at the table?—A. I saw him in the hall after he received the dispatch, but how long after I can't swear.

99. Q. Have you never heard how that Mr. Mason went to tea shortly before the polls closed and for the express purpose of returning therefrom at the invitation of Mr. Welton to occupy a seat at the canvassing table?—A. I have heard something of that kind within a few days.

100. Q. From all that you saw would you be willing to swear that such was not the case?—A. I could not swear to it either way.

101. Q. Would you be willing to swear that Mr. Welton is mistaken as well as others, when they have stated that a chair was reserved for Mr. Mason and that that gentleman came in and occupied it after they had counted the State vote, compared with the poll-list, and were opening the ballots?—A. I did not hear Mr. Welton's evidence, nor Mr. Waldron's.

102. Q. Would you say that they were not commencing to open the State vote, the first box canvassed, when Judge Mason came into the room and took his seat?—A. I can't say when he took his seat at table. I can't say when he came into the room. I can't say he had been out of the room.

103. Q. On a question of time so long past and at a time when you was somewhat excited, would you be willing to swear positively that it was not ten minutes after the polls closed before you saw Judge Mason?—A. I think I have said I would not swear positively as to time.

104. Q. Have you personal knowledge that the voter Hollingsworth had not been a resident of the county of Madison for the four months next preceding the election?—A. I have not.

105. Q. I understood you to remark, but think that it was not taken down, that during the canvass of the votes men were standing around the canvassing table and in the rear of those sitting at the table talking more or less?—A. Yes, sir.

106. Q. And were those men in the rear the ones who made the most noise and talked the most?—A. The talking was not by those who sat at the table but by those who were standing around the table.

107. Q. How many deep were these men standing behind those who were sitting at the table?—A. I should say from four to ten. There was a good many people.

#### Redirect examination :

108. Q. Did you hear before election about \$1,500 being taken to Oswego?—A. Yes; I heard such a rumor.

#### Cross-examination :

109. Q. How long before the election did you hear that rumor?—A. I can't say.

110. Q. A month?—A. I would not think it was. I can't give any time. I did not pay any attention. I heard it more than once.

111. Q. Fix the time of your first hearing it.—A. I heard it some time during the fall.

112. Q. You can form some idea?—A. I have given it as close as I can give it.

113. Q. In your judgment, was it three weeks before election?—A. I can't give the time. I think it was some time during the month of October.

114. Q. Now, I would like to have you fix the time in October?—A. I can't say anything about it. I have given it as near as I can.

115. Q. Did you hear it was sent to the county committee?—A. I did not hear to whom it was sent.

116. Q. Did you hear how it was sent?—A. I did not.

117. Q. Did you hear the source from whence Judge Mason obtained the money?—A. No, sir.

118. Q. Did you attach any importance at all to this rumor?—A. I don't think I did.

Adjourned to April 10, 1879.

Examination of J. E. WEDGE resumed April 10, 1879.

Re-examined:

119. Q. I understand you to say upon recross-examination that you did not hear where it was sent. Did you not hear that it was sent to Oswego?

(Same objections. Same ruling.)

A. I did not hear to whom it was sent.

J. E. WEDGE.

Subscribed and sworn April 10, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, N. Y.

*Deposition of E. J. Enos.*

TUESDAY, April 8, 1879.

E. J. ENOS, sworn, testifies as follows:

1. Question. Are you a farmer?—Answer. I am.

2. Q. What are your politics?—A. I generally vote the Democratic ticket.

3. Q. Do you know one Murray, who lives near the railroad, and who had built for him a small shanty?—A. I do.

4. Q. Has Mr. Murray called at your house since election?—A. Yes; a short time after election; to have me subscribe toward building shanty.

5. Q. State all he said in that conversation.

(Objected to as immaterial, incompetent, and not competent as evidence in rebuttal only; nothing that can bind Mr. Mason, and is only offered upon the theory that contestee can have no opportunity to answer the same; and that the same is affirmative proof if anything. Objection overruled; Underhill dissents.)

A. He said he should have been in Kansas now if they had not promised to do well by him if he would stay until after election. That a certain man had paid him \$1, but Mr. Mason had put him off several times, claiming to be busy, and told him to call again.

6. Q. Did he name that certain person?—A. Yes.

7. Q. Was that person a personal and political friend of Mr. Mason?—A. I think he is.

8. Q. What further?—A. He said he guessed there would be another election some time, and he would see then.

9. Q. Is he reputed to be an Irishman?—A. I don't know.

10. Q. Do you understand that he makes a business of dyeing coats?—A. I do.

11. Q. How did you understand from him that he voted?

(Objected to as before. Same ruling.)

A. He did not say who he voted for; I understood or took it for granted for Mr. Mason.

12. Q. You say that he mentioned a name. You have stated to me that you desired not to mention the name because of personal friendship; is that true?



(Objected to as before; and that Counselor White cannot manufacture evidence in that way, by his own declarations. Question waived.)

Cross-examination :

13. Q. How long have you lived in Hamilton?—A. Fifteen or sixteen years.

14. Q. How long has Mr. Murray resided in same village?—A. I don't know. I have seen him occasionally for three or four years.

15. Q. How long do you understand he has lived here?—A. I should think three or four years, certain; perhaps twice that time. I don't know.

16. Q. You understand Mr. Murray to be a poor man, and an honest man?—A. I understand him to be a poor man, and, so far as I know, honest.

17. Q. How long after election was it before he called upon you?—A. Two or three, or three or four weeks. Not long after.

18. Q. He was circulating the paper, was he not, to get means to build him a shanty?—A. Yes.

19. Q. Did you contribute to that object?—A. No; I did not.

20. Q. You saw the paper, did you not?—A. I took it in my hands. Yes.

21. Q. Did you notice, or can you tell, the names that were subscribed, or on the paper?—A. I do not remember a name.

22. Q. Did not Dr. Brooks, a clergyman, and professor in Madison University, head that subscription?—A. I can't tell. I would not say he did not.

23. Q. Were there a large number of names upon it?—A. I can't say. I don't think I read it all. Can't remember any.

24. Q. Did he tell you who had contributed toward building this little home?—A. He mentioned one man who had given him one dollar.

25. Q. Were there not others who had given him a dollar, as you understand?—A. I did not understand.

26. Q. Did he say he had called upon Judge Mason, to see if he would give him something?—A. Yes.

27. Q. And did he say then that Judge Mason had not contributed anything, but had put him off, telling him that he was busy?—A. Yes.

28. Q. He did not say that Judge Mason had promised to subscribe toward the house?—A. He did not say then.

29. Q. When he said he should have been in Kansas now but they told him they would do well by him if he staid till after election, did he mention any names?—A. No; only as he went on to tell.

30. Q. When he said they, did he there mention the names of any persons?—A. He did not tell who they were, only as I have stated.

31. Q. After mentioning what was embraced in the last question, he told you, did he not, of one person that had given him one dollar towards building his shanty?—A. He told of a person who had given him one dollar; don't know whether it was for the shanty or not.

32. Q. Did he tell you that when he presented you the paper and was soliciting a subscription from you, and was it in connection with that act that he told you of the dollar that had been given him?—A. Yes, sir.

33. Q. Can you say that that paper was not subscribed by men of both political parties in and about Hamilton, who agreed by such signing to contribute to the erection of this shanty or little home?—A. I can't say.

34. Q. Did you understand at the time that Mr. Murray presented

you this subscription paper that he had concluded to make Hamilton his future home?—A. I inferred that.

E. J. ENOS.

Subscribed and sworn April 8, 1879.

S. E. SCRANTON, JR.,  
*Notary Public for Madison County, N. Y.*

*Deposition of C. W. Stapleton.*

C. W. STAPLETON, sworn, testifies as follows:

517. Question. Were you subpoenaed, and did you attend the March sitting of the United States court at Utica?—Answer. I did.

518. Q. Subpoenaed against the students?—A. I was.

519. Q. Was Edward Welton present as a witness?—A. He was.

520. Q. State what Mr. Welton said at different times as to what he had done with the grand jury and members thereof.

(Objected to as immaterial and incompetent; calling for evidence which is not in rebuttal; cannot contradict the evidence of Edward Welton upon immaterial matter; that what Welton swore to was brought out by contestant, and to that extent contestant made him his own witness, and is bound by his answers. Objection overruled. Underhill dissents.)

A. I don't know that he said he had done anything. Said he had had conversations with several of them, and that there would be no indictments found.

521. Q. Did he say this before they had passed upon the question?—

A. Yes.

522. Q. Who did he say he had talked with?—A. He said he had had some conversation with the foreman.

523. Q. Did he speak of it several times?

(Objected to as before, and that there is no foundation laid contradicting Welton, and if there was should be confined to the specific questions propounded to Welton. Objection overruled.)

A. Yes.

524. Q. State what he said as nearly as you can, each time, and the order in which it occurred, and his manner.

(Same objections. Same rulings.)

A. I can't distinguish any times; he made that remark several times. That he had conversed with several jurors and the foreman, and there would be no indictments found. That he had learned that fact. I don't know as he exhibited any joy over it in any particular manner.

525. Q. Did he not on one occasion clap his hands?

(Objected to as before. Same ruling.)

A. I never saw him slap his hands.

526. Q. Was there talk there among the officers of that court of prosecuting Welton for tampering with the grand jury; and was information of that fact conveyed to him? Please answer all that occurred to your knowledge upon that subject.

(Objected to as before. Same ruling.)

A. The marshal was displeased with something Welton done. The marshal told several of us that he had told Welton that he would prosecute him, and that he thought an old man like him ought to know better, or something like that; that is all.

527. Q. Did you talk with Welton what the marshal was going to do?—A. Yes; I told Welton what the marshal told us. The same I have just related here.

528. Q. What did Welton say?—A. He said he had not tampered with any juror, and that he had told the marshal what he had done.

529. Q. Did he request you, or others in your presence, to see the marshal and do what you could to prevent it?—A. No, sir; not in my presence.

530. Q. Have you ever heard it charged and stated that Edward Welton had at the polls, while an officer thereof, tampered with Democratic votes?

(Objected to as heretofore.)

A. No.

531. Q. Was Commissioner Dennison, who discharged the students, present as a witness before the grand jury?

(Objected to as before; same ruling.)

A. Yes.

532. Q. Do you know whether he went in before them?—A. Yes; I know he did.

533. Q. If there was an honest intention to indict, can you conceive of any reason why he should have been called before them?

(Objected to as before; same ruling.)

A. No; I thought it strange that he should be called.

534. Q. After the first session of this contest in this village, have you learned that one J. J. Lamoree, counsel for contestee, was in the city of Utica?—A. I have not.

535. Q. State all the facts, if any, and circumstances which occurred in the city of Utica which indicated to your mind that that effort to indict the students was either an effort to whitewash Commissioner Dennison or a sham proceeding in the interest of Mason, or a proceeding for any purpose other than to actually indict.

(Same objection; same ruling.)

A. I don't know how to answer it. You have got in some broad points. There were some things which seemed strange to me at that time in relation to that case. Well, that Mr. Dennison should be a witness was one, and that the marshal should say there would be no indictment found before the case came on, and that the district attorney had volunteered to conduct the case before the jury and had told that he would so do, and the general understanding that there would be no indictment found. I think of nothing further.

536. Q. Did you not learn from witnesses that no special reference was made to the constitution, but that inquiry was made of them and stress laid upon the fact that the students had been in Hamilton more than four months?

(Same objection; same ruling.)

A. I learned nothing about the constitution before the jury, or nothing about any stress being laid on evidence of other witnesses. I remember stating that there were no questions asked me that would indicate that they were going to indict.

537. Q. Did the district attorney conduct your examination before the grand jury?—A. No, sir; it was an assistant.

538. Q. What questions were asked you by the assistant district attorney before the grand jury, or by the grand jury themselves?

(Objected to as before; same ruling.)

A. Questions as to my residence, occupation, age; how long students had lived here, and if they had any other home that I was aware of, and of what institution they were students; if they had ever voted before in Hamilton. I don't remember any others just now.

539. Q. Anything said about the constitution relative to students, or Judge Wallace's opinion?—A. Nothing.

540. Q. Do you know to what extent Commissioner Dennison tampered with that grand jury or the district attorney or marshal?—A. I do not.

541. Q. Do you know to what extent the secret agents of Mr. Mason had tampered with that grand jury?—A. I do not.

542. Q. Do you know that Judge Mason's friends, or many of them, here in Hamilton have regarded the prosecution of the students and the negro Hollingsworth as a step in this contest on the part of Mr. Duffy and his friends?

(Objected to as before; same ruling.)

A. I have so heard it stated.

543. Q. And have many of them taken a special interest on behalf of the students?—A. Some of them have; I don't know how many.

544. Q. Do you understand that the negro has left town?—A. I had not heard of it before.

545. Q. Returning again to proceedings at Utica, please state a little occurrence, if there was any, which indicated to your mind that it was a sham proceeding or otherwise, which occurrence—conversation, hunching, &c., between the marshal, named Higginson, and some other person whose name I have not learned—related to one Cushman and Hollingsworth, formerly of this village.

(Same objection; same ruling.)

A. I don't know as that occurrence indicated any sham in relation to the students. It indicated on their part there was no desire to prosecute the negro.

546. Q. State the occurrence.

(Same objection; same ruling.)

A. Some one asked the assistant district attorney what had become of the Hollingsworth case, in the presence of the marshal and a dozen or fifteen others. The district attorney says, "You know how that case stands, don't you, Tom?" speaking to Higginson; and the marshal says, "No." That is all there was said. The marshal took me by the arm and took me one side—three or four feet. Said they wanted to find out if they could not prosecute the one who got Hollingsworth to vote. The whole conversation was in an undertone between me, Higginson, and the district attorney.

547. Q. This remark made to you was not in the hearing of assistant district attorney, was it?—A. What the marshal said to me was not.

548. Q. Do you know how much Mason had paid that marshal or the district attorney or Commissioner Dennison, or the clerk of the United States court, residing at Utica, the brother of contestee, for suppressing the prosecution against Hollingsworth, Cushman, or the students?—A. I don't know.

549. Q. Do you know one E. D. Van Slyck?—A. Yes, sir.

550. Q. Is he now, and has he been for many years, editor of the Democratic Republican?—A. Yes.

551. Q. And have you heard it said that he received \$50 from Mr. Mason? If so, from whom?

(Same objections; same rulings.)

A. I heard he swore he got \$50.

552. Q. Did you ever hear E. D. Van Slyck say that Mason gave him \$50?—A. I never did.

553. Q. Have you ever heard any one else say so? if so, state who.—(Same objections; same rulings.)

A. I have; and I decline to state whom.

(Contestee insists that inasmuch as the question has been in part answered, the whole be answered.

The contestant insists upon an answer.)

A. I still decline; that is, it was told to me in confidence and I don't wish to be tale-bearer for any one in this matter.

554. Q. Was the person a Republican?—A. I decline to answer further on that subject.

(Contestee and contestant desire witness to answer.)

555. Q. Did you have frequent conversations with E. D. Van Slyck, both before and after Mason was nominated?—A. No.

556. Q. Did you have any with him so as to learn whether he was favorable to Mason's nomination or not?—A. I did not.

557. Q. Have you written some editorials for that paper?

(Objected to; same ruling.)

A. Yes.

558. Q. And did you receive any portion of that \$50?—A. No.

Cross-examination :

559. Q. Did you converse with any person on the subject of taking the case of the students before the United States grand jury before you were last subpoenaed?—A. No, sir.

560. Q. Had you heard, or had you reason to believe, before you was subpoenaed, that the case would be brought up again before that jury either as to those students and Hollingsworth?—A. No.

561. Q. And why did you understand that no further prosecutions were to be had against those parties by you, Leonard, George and Thomas Beal, W. K. Lippitt, and Counselor White?—A. I understood no such thing; and for the sake of the case Mr. Lamoree represents I don't deem it advisable for him to insinuate that I was instrumental in prosecuting students with the above named parties, except as a witness under subpoena.

562. Q. Then answer the question with yourself left out.—A. I don't really know that I did so understand it since I learned that the commissioner gave his decision.

563. Q. From your last answer I infer that you entertained the idea that those gentlemen concurred in that decision, and you expected the case to end there?—A. I don't know whether they concurred; I supposed the case had ended.

564. Q. Do you know who revived the effort to continue these prosecutions?—A. I do not.

565. Q. Have you not heard it said that Counselor White and Sebastian Duffy originated that further effort after Mr. Dennison's decision?—A. I have heard that White was instrumental, among other things.

566. Q. Did you, the same week, know of Sebastian Duffy's being at Mr. White's office?—A. I knew Mr. Duffy was here, but that was after the grand jury failed to indict.

567. Q. Was it the same day on which you returned from Utica?—A. It was.

568. Q. And on same train with you?—A. Yes.

569. Q. I take it Mr. Duffy was in Utica that day, then. Am I correct?—A. I know or heard nothing of his whereabouts at Utica, and not until I saw him on the train.

570. Q. How long after you left Utica before you learned Mr. Duffy was on the same train?—A. Three-quarters of an hour, perhaps.

571. Q. Did you converse with Duffy that day?—A. I did not.

572. Q. Did he occupy a seat in the same car with you?—A. He did.

573. Q. Mr. Dennison, of whom you have spoken, was a United States commissioner, and the officer before whom this examination had taken place?—A. He was.

574. Q. On that examination were there not exhibits placed in evidence on the part of the people?—A. Yes, sir.

575. Q. Those exhibits, you understood, were left with the commissioner, did you not?—A. Yes, sir.

576. Q. If those exhibits were deemed important in the people's case when before that commissioner, can you see why they should not be equally important before the grand jury?—A. No.

577. Q. Then, can you still feel that there was something strange in the fact that Commissioner Dennison, who resides in the same city, should be subpoenaed to appear before that jury with those exhibits?—A. Yes, sir.

578. Q. You may state what it is that startled your sensibilities on that point.—A. Nothing.

Cross-examination resumed at 1.30 p. m.:

579. Q. You say that Marshal Higginson, before the case came on before the grand jury, told you there would be no indictment found. Do you wish to be understood that the marshal expressed an opinion or declared a fact?—A. The former, of course.

580. Q. Then I understand the remark to have been simply an opinion that no indictment would be found?—A. Of course, it must have been an opinion.

581. Q. This Marshal Higginson is the same officer who attended before Commissioner Dennison when the evidence was there given?—A. Yes, sir.

582. Q. Did Higginson tell you at the time the grand jury were in session why there would not be an indictment found, in his judgment?—A. No; he did not.

583. Q. Did you, before talking with the marshal, believe the students would be indicted or that they ought to be indicted?—A. I don't know just the time that I came to the conclusion they would not be indicted, before or after.

584. Q. Then you don't know, do you, but what you entertained the same opinion the marshal did?—A. I should presume we both had the same opinion on that subject.

585. Q. Did you think, and do you think now, that those fourteen students ought to be indicted?—A. No; I think some of them violated the constitution.

586. Q. Was it any more strange, after the marshal had heard the evidence as given in the cases before Commissioner Dennison, for him to entertain the opinion founded upon that evidence and strengthened by the opinion whereon they were acquitted, that indictments would not follow when the case came before the grand jury than that you should think so who had a knowledge of the facts?—A. No; nothing strange about it as I know of.

587. Q. And from anything you know Marshal Higginson predicated his opinion upon the extreme weakness of the cases after hearing the evidence?—A. I don't know from what he formed his opinion. I know nothing to the contrary.

588. Q. You are a law student, I believe, and have been for a couple of years?—A. Yes.

589. Q. Have you never learned that it was the duty of the district attorney to attend before the grand jury and conduct examinations of this character?—A. Certainly, I have.

590. Q. Then how could you attach anything strange to the fact that Assistant District Attorney Murray should attend on this occasion and conduct the examination?—A. That was not what I referred to, as one of the strange things connected with the case, Mr. Murray's appearance.

591. Q. Then you would have it understood, would you not, that you attached no impropriety even to Murray's presence?—A. No.

592. Q. Did you see anything in the grand jury room which you did deem singular touching the conduct of that case?—A. I saw nothing.

593. Q. Were you not asked to state while before the grand jury and were you not sworn to state all that you knew touching the complaint there pending?—A. I took the oath of a witness to swear to the truth, the whole truth, and nothing but the truth, I suppose.

594. Q. And did you keep that oath by telling all the truth within your knowledge bearing upon that complaint?—A. I never had any qualms of conscience. I suppose there might have been more told and there might have been less.

595. Q. Were you given an opportunity to tell what you knew about the cases?—A. Yes.

596. Q. Then if you were given an opportunity to tell all, and you took an oath that you would tell all, I assume that you did recite all the facts?—A. I stated all the facts in relation to that voting that I thought bore upon the case.

597. Q. And you were interrogated in relation to those facts as you proceeded?—A. I was.

598. Q. Have you reason to believe that you were treated unlike the other witnesses in the case?—A. No, sir.

599. Q. Then you have no reason to believe that the facts in these cases were not fully and fairly presented to the jury?—A. No. The facts were undisputed, I suppose.

600. Q. You have no reason to believe that the members of that jury violated the oath administered to them to the effect that they would true presentments make without fear, favor, reward, or the hope of reward, have you?—A. No; I don't think they violated any oath.

601. Q. And you understand, do you not, that they were quite unanimous upon all the evidence presented in exonerating those students by refusing to indict?—A. I understand they were unanimous.

602. Q. You don't know that Mr. Dennison tampered with that jury?—A. No, sir, I have no knowledge of it.

603. Q. You don't know that Mr. Mason had any secret agents directly or indirectly employed in that matter?—A. No, sir.

604. Q. You did know, I suppose, that Counselor White, on the strength of an affidavit made by Thaddeus Leonard, obtained a warrant against Hollingsworth, one of the parties complained of in the State court?—A. I heard so; I have no knowledge on the subject.

605. Q. Have you any knowledge why that warrant has never been served?—A. No.

606. Q. Have you heard how Counselor White, Leonard, and Lippitt, and perhaps others, tried to get Hollingsworth to go to Albany?—A. No.

607. Q. Have you never heard how White gave Hollingsworth fifty cents to bind the bargain?—A. I heard Leonard's testimony, that's all.

608. Q. Then you have never talked with any one how this fifty cents came to be given?—A. No.

609. Q. Who have you heard say that Hollingsworth and the students were being prosecuted before the grand jury as a step in this contest?—A. I can't call any one in particular.

610. Q. Can you state whether that rumor was set afloat by Counselor White or not in the interest of Mr. Duffy after the second failure to make out that such students and Hollingsworth were not lawful voters?—A. I don't know who set any rumors afloat.

611. Q. What was it that you saw transpire between Marshal Higginson and some unknown person that aroused your suspicion?—A. I don't know as I have testified as to any unknown person.

612. Q. You say that Assistant District Attorney Murray said on that occasion to Thomas Higginson, when interrogated in reference to the Hollingsworth case, "You know how that case stands, Tom;" and that after that Higginson took you by the arm and said to you, "They want to find out if they can, and prosecute the one who got Hollingsworth to vote?"—A. Yes.

613. Q. I infer from that they had not learned who it was that got Hollingsworth to vote?—A. They knew who it was.

614. Q. Do you know to-day who got him to vote?—A. Yes.

615. Q. Did you inform Higginson who it was?—A. I did not; he knew before.

616. Q. You regard Higginson and the assistant district attorney as being in possession of all the facts within your knowledge?—A. Yes; I supposed they knew all that I knew about it.

617. Q. And still they were trying to find out if they could who got Hollingsworth to vote, as you understood?—A. No, I did not so understand it, that they were trying to find out who it was. They were trying to find out how it was.

618. Q. Then you did not understand Higginson to use the term "who?"—A. No.

619. Q. Did you understand him to use this phrase, "We want to find out if we cannot prosecute the one who got Hollingsworth to vote?"—A. That in substance. I cannot say that was the precise language.

620. Q. I understand, then, that they did not deem the facts within their knowledge at that time as being sufficient on which to found a prosecution against that person, whoever he may be; did you interpret it in that way?—A. No.

621. Q. Then how did you understand it?—A. I understood it to be something that was merely said to me by the marshal that I might not think it strange that the matter stood as it did.

622. Q. I think I get your meaning now; it was but an apology to you for some remissness growing out of a lack of prosecution of Hollingsworth. Am I correct?—A. I think my answer conveys a better idea of what I thought than your question. No, you are not correct.

623. Q. Who told you that Mr. Van Slyck on this examination had sworn that he got \$50 from Judge Mason?—A. I heard that he swore he got \$50, but did not understand from Judge Mason.

624. Q. Who told you that he swore he had \$50 from any source?—A. I cannot tell now.

625. Q. Will you swear it was not Counselor White?—A. Yes.

626. Q. Or some one in the interest of Mr. Duffy?—A. I do not know who it was.

627. Q. Why do you decline to state who this person was who told you that Mason gave Van Slyck \$50?—A. For reasons heretofore stated.



628. Q. Did you, before you was sworn, have a conversation with Counselor White on this subject?—A. Yes.

629. Q. Did you promise or say to Counselor White, in words or in substance, that you would not answer that question?—A. I did.

630. Q. And did he not request you to withhold the name?—A. No, he threatened me with a subpoena if I would not tell him.

631. Q. How many different persons told you in Utica before the grand jury had acted upon the case that there would not be any indictment found against Hollingsworth and the students?—A. I can't tell.

632. Q. Name all that you can who told you that.—A. Welton and Higginson.

633. Q. Can you swear that there was any one else?—A. No.

634. Q. But you said in your examination-in-chief there was a general understanding that these parties would not be indicted, what did you mean by that?—A. I mean, in addition to what I have sworn, that several parties thought there would be no indictments found.

635. Q. Who were those persons whom you have not mentioned?—A. Professors in Madison University.

636. Q. Name them.—A. Doctors Spear and Maynard.

637. Q. Did they tell you that in Utica or on the way down?—A. I heard them say it in Utica.

638. Q. Was it talked in Hamilton before you went away they would not be indicted?—A. No, there was an uncertainty as to what would be done and who was doing it.

(Contestee objects to the last part of the answer, as it is not responsive and received against the protest of contestee's counsel. Mr. Underhill dissenting.)

639. Q. Did you understand that no one in Hamilton favored the prosecution of the students before Utica grand jury?—A. I had no understanding one way or another, only what I assume.

640. Q. What do you mean by assume?—A. I assume that Democrats were in favor of it, with few exceptions.

641. Q. What facts have you to make the assumption that they wished to bring this matter before the Utica grand jury?—A. The fact that they were the instigators of the previous attempt at prosecution.

642. Q. Can you name ten Democrats who favored it in the first instance?—A. I don't know as I can of my own personal knowledge.

643. Q. Can you name one?—A. Yes.

644. Q. Name such as you can.—A. S. D. White. I don't know as I can name any others. There were some in favor of having the thing settled.

645. Q. Then your assumptions are that he favored the last prosecution before the Utica grand jury?—A. That is my inference.

646. Q. You don't know, I suppose, of one of Mr. Mason's friends who at any time favored the taking of that case before the grand jury?—A. No.

647. Q. Do you know of Judge Mason or any other person having paid Marshal Higginson, the district attorney, the clerk of the United States court, Commissioner Dennison, or any other person or persons, money or any other consideration, to influence their action in suppressing any one or all of these prosecutions?—A. No.

648. Q. Have you reason to believe that they did or that those officers would accept a bribe if offered?—A. I can't say that I have.

649. Q. Do you know or have you reason to believe that any person acting in the interest of Judge Mason, at his request or with his knowl-

edge and consent, interposed to prevent an indictment?—A. I don't know that Judge Mason had anything to do with it.

650. Q. Who was it that told you that Welton had been tampering with the grand jury?—A. The marshal.

651. Q. And did the marshal apparently resent that interference?—A. Yes.

652. Q. You understood him, then, did you not, to favor an impartial hearing?—A. I think the marshal would have indicted if he could.

653. Q. What did you see on the part of the marshal that he would indict if he could?—A. From what he had said and done on previous examinations and from what he had said there and done.

654. Q. What other officers did you hear speak on the subject?—A. None other that I remember now.

655. Q. Was not Assistant District Attorney Murray apparently zealous in the presentation of the case or fairly so?—A. Fair enough, yes; as far as I saw.

656. Q. You did not hear Mr. Welton testify as to a conversation between him and a jurymen?—A. I did not.

657. Q. Did Welton tell you how many jurymen he had talked with?—A. He did not.

658. Q. Did he tell you where the conversation took place?—A. I think he said it was at the hotel with one.

659. Q. Did he tell you he had only talked with that one?—A. He said he had talked with several.

660. Q. What time of day was it he told you?—A. I can't tell; we were there four days.

661. Q. Can you say it was not on the last day?—A. Yes; I can say it one time was not on last day.

662. Q. And was that the time he had told you; will you swear that he made that remark before the last day?—A. Yes; I will swear he told me so once before last day.

663. Q. Give Welton's exact words?—A. I can't do it.

664. Q. Name the additions and subtractions from the same.—A. I can't do it.

665. Q. Did he tell you how much he had told, and what he had told, except as to the one at hotel?

666. Q. Did he tell you what he had told any jurymen?—A. No; I don't think he did.

667. Q. Did he say whether the jurymen to whom he referred had told him more than to express an opinion favorable to a dismissal of the case?—A. I don't remember that the jurymen told him anything.

668. Q. Then you understood Welton as simply expressing an opinion that no indictment would be found?—A. Of course I knew he did not know anything about it.

669. Q. Do you know that he did not predicate his opinion upon the fact that Commissioner Dennison had decided those students were legal voters, and upon his knowledge also as a neighbor of those students of all the facts governing their cases?—A. I don't know what he based his opinion upon.

Redirect examination by S. D. WHITE:

670. Q. Did the commissioner discharge one Cole, a student?—A. He did.

671. Q. Did he place his decision, as you understood, upon the ground that Cole was a resident of Hamilton?—A. Yes; I believe so; I have forgotten.

672. Q. Is his name Adoniram Judson Cole?—A. I believe so.

673. Q. And is he still a resident of Hamilton?—A. No; he has left town.

674. Q. Do you understand that his whereabouts cannot be ascertained?

(Objected to upon the ground of all this reason upon direct examination. Same ruling.)

A. I have learned somebody has found out where he is.

675. Q. Where?—A. In Chicago.

676. Q. Do you understand that he has left property here in the village of Hamilton? If so, state what.—A. Some; a trunk filled with brick.

677. Q. Do you know how much whisky he and those grand-jury men drank together?—A. I do not.

678. Q. You have been asked as to your belief upon certain questions, now state from all the knowledge you have of those facts; in whose interest and for what purpose the students' cases were carried before the grand jury at Utica?

(Objected to, because the witness has already stated that he had no knowledge, and that his opinion is not evidence, and not evidence in rebuttal. Same ruling.)

A. I don't know.

679. Q. I ask you as to your belief.

(Same objections. Same ruling.)

A. I have not any knowledge upon which I can testify that I believe any particular person or party started the proceedings.

680. Q. You have been asked as to Mr. White's connection with this case; now state if Mr. White did not inform you after you were subpoenaed before the grand jury at Utica that he knew nothing as to the cause; that he was satisfied with the discharge of the students as matters had now turned, and that he believed that the prosecution before the grand jury was in the interest of Mason and his friends, or that in substance.

(Objected to; that the statements, opinions, or belief of Mr. White is not competent evidence in this contest; 2d, not rebuttal. Same ruling.)

A. Yes; I believe he did.

681. Q. What was said by the commissioner when you and Beal first saw him in relation to a warrant?

(Objected to; that the opinion of commissioner before hearing the evidence and knowing the full facts is not evidence; 2d, it is incompetent and not rebuttal. Same ruling.)

A. He said the cases were clear; the law was clear; they were not voters; offered Beal his warrants and Beal declined taking them. The commissioner said he thought they had better not prosecute the whole.

#### Cross-examination:

682. Q. After the whole evidence had been given before the commissioner and counsel had been heard before him and he had examined the law and written an opinion deciding that the students were legal voters, as I understand you, you had the conversation with Counselor White in which he told you, in substance, that he was satisfied and did not desire any further prosecution?—A. Yes, the conversation was after that.

683. Q. At the time the commissioner told you he thought it was a clear case, I understand that it was before any hearing was had before the commissioner, and before any evidence had been given?—A. It was.

684. Q. And, so far as you know, he had examined the law?—A. No. He examined the law in our presence—an article of the constitution.

685. Q. Did he not, as you understand it, predicate his opinion upon the assumption that no student could acquire a residence upon attendance at any school?—A. I don't know. I saw him examine no law but the constitution.

686. Q. Is it not true that the A. J. Cole referred to was discharged from arrest by the commissioner?—A. Yes. I don't know upon what ground.

C. W. STAPLETON.

Subscribed and sworn April 8.

S. E. SCRANTON, JR.

*Notary Public in and for Madison County, New York.*

*Deposition of George Beal.*

WEDNESDAY, April 9, 1879.

GEORGE BEAL, sworn, testifies as follows :

150. Question. Were you subpoenaed and in attendance before the United States grand jury at Utica last March against the students for illegal voting?

(Objected to; 1st, as incompetent and immaterial; 2d, it is affirmative proof and not rebuttal; 3d, contestee has not the opportunity to answer the same. Objection overruled. Underhill dissenting.)

Answer. I was.

151. Q. Was Edward Welton in attendance?—A. He was.

152. Q. State all that he said to you or in your hearing as to what he had done with the grand jury.

(Same objections. Same rulings.)

A. He said he had got acquainted with several of the grand jury men; he had talked with them about the case, and they understood the case, and that there would be no indictment found; also that District Attorney Martin I. Townsend had promised to take care of the case, and he said if Townsend went before the jury there would be no indictment found; that is all I remember; we talked considerable about it.

153. Q. Was this all said before the case came on for hearing?—A. It was.

154. Q. Did Mr. Welton desire their indictment, and what did he say?

(Same objections. Same rulings.)

A. Mr. Welton said to me that so far as he was concerned he would like to see one of the cases tested; that he did not believe they would be indicted.

155. Q. After Welton had been sworn as a witness before the grand jury, did he make any remarks? If so, state what.

(Same objections. Same rulings.)

A. I can't give his words. He said from the questions asked him he believed no indictments would be found; this is the substance of what he said.

156. Q. Did he seem pleased over the ideas?

(Same objections. Same rulings.)

A. He did.

157. Q. What occurred in relation to a prosecution against him for tampering with the grand jury?

(Same objections. Welton not on trial. Same rulings.)

A. Mr. Stapleton and I were standing in the hall. We saw Deputy United States Marshal Higginson go up to Welton and talk with him. After they were through talking Mr. Welton came to us and said the marshal had accused him of tampering with the grand jury, and Mr. Welton said he had not tampered with the grand jury, and could not understand why he was accused.

158. Q. What did you hear either of the professors say, if anything, who were there as witnesses?

(Same objections. Same rulings.)

A. When the case was called before the grand jury, Dr. Dodge came down, and asked if Mr. Townsend had gone into the jury-room. Some one answered, no. Doctor said Mr. Townsend had agreed to take care of the case, and the doctor went up stairs to the court-room. Soon after he went up Martin I. Townsend came down and went into the jury-room; that is all I can remember of it now.

159. Q. Did the assistant district attorney also go in?

(Same objections. Same rulings.)

A. He did.

160. Q. Was Dr. Dodge favorable or unfavorable to the indictment of the students?

(Same objections. Same rulings.)

A. He seemed to be very anxious that they should not be indicted.

161. Q. Did Commissioner Dennison go into the grand-jury room in company with District Attorney Murray? State the facts connected with it.

(Same objections. Same rulings.)

A. I don't remember of seeing commissioner go into room.

162. Q. Do you understand that all the officials of that court are Republicans?—A. I do.

163. Q. Have you heard it stated that in 1872, or thereabouts, the students of Madison University, numbering about one hundred and eighty, and all or nearly all Republicans were organized into a military company at the University, and as they reached the village they were met with a band of music and one Col. Bonney, on horseback and in military array, and that they marched in military style, headed by their commander and said band of music, came to the polls marching to the time of the music and in one solid column, and with great noise and commotion voted *en masse* for the greatest usurper of the age? Have you heard that in substance?

(Same objection. Sustained.)

164. Q. Have you heard that those students have in years past come to the polls and voted headed by a commander and a band of music?

(Same objections. Objection overruled. Underhill dissenting.)

A. I have heard it so stated.

165. Q. Do you know William Kelloway?—A. I do.

166. Q. Did you have any talk with him before election of how he would vote?

(Same objections. Same rulings.)

A. I did.

167. Q. State when and what it was.—A. I can't state just when it was.

168. Q. About when was it?—A. Perhaps a week before Mr. Duffy's meeting.

169. Q. What was it?

(Same objections. Same rulings.)

A. He said that he did not care for either Mason or Duffy, he would work for the man who would pay him for his time, and that he could control a slew of votes in this town.

170. Q. When was the first you learned that any of the Kelloway family favored Mason?—A. Election day was the first I knew of it.

171. Q. After Kelloway told that he should work for the one that would pay the best, and he could control a slew of votes, who, if any one, did you inform of what he had said?

(Same objections. Same rulings.)

A. I told Mr. Keith, one of contestee's counsel.

172. Q. And what did Mr. Keith, contestee's counsel, say?

(Same objections. Same rulings.)

A. He said that he would see him.

173. Q. Mr. Keith was then in favor of the Greenback ticket and Mr. Duffy?—A. He was.

174. Q. Do you know how much Mr. Keith paid him?—A. I don't.

175. Q. Do you know how much he was afterward paid by Mason on the post-office steps?—A. I don't.

176. Q. Did you see Charles F. Risely at work for Mason on election day?

(Same objections. Same rulings.)

A. I did.

177. Q. Did you hear him declare in the morning that he should not work for Mason unless he got \$10 for it, or were you not present?—A. I did not hear him say so, or did not hear of it.

178. Q. Since your last testimony, have you had a talk with J. C. Waldron as to the testimony you gave; and, if so, what did he say?

(Same objections. Same rulings.)

A. I asked Mr. Waldron if he heard that remark. He said he did not. It was none of his business. That is the substance of his remark.

179. Q. What has Mr. Stapleton said to you upon the subject of that testimony, and as to the remark which you had attributed to Mason, to wit, that the said "Watts made that voter quick," referring to the negro Hollingsworth?

(Objected to that conversation between Stapleton and witness upon the stand out of court, they being the two leading witnesses for contestant, and such conversation not having taken place in the presence of contestee or any of his friends is incompetent; 2d, witness Stapleton, while admitting upon the stand that he had made certain statements to this witness tending to corroborate the former testimony of this witness, upon reflection, testified that he could not understand the alleged conversation as theretofore testified by witness, George Beal; 3d, this witness cannot sustain himself by contradicting Stapleton upon a matter which Stapleton testified to, on the part of contestant, that the evidence offered in rebuttal is immaterial and incompetent. Same ruling.)

A. The next morning after I testified Mr. Stapleton came in the store and said it's strange. I remember that remark just as you gave it, and I remember the smile on Judge Mason's face as he turned to the right and spoke. Stapleton said Mr. Underhill had explained to him the position of the parties at the table as I explained it. I said to him, "I will show you how I gave the position of the parties." He said, "Don't do it, for they will ask me if you have been posting me up."

180. Q. Who were present at this conversation with Stapleton?

(Objected to; immaterial, incompetent. Same ruling.)

A. E. E. Nelson and Adelbert Orvis.

Cross-examination by J. J. LAMOREE:

181. Q. When Stapleton requested you to stop talking to him on the matter of the explanation, because it might be drawn out upon cross-examination that you had been posting him, did you stop?—A. I did.

182. Q. How came you to be so very kind to Mr. Stapleton, and how came Stapleton to be so very weary upon the question of cross-examination?—A. I stopped because Mr. Stapleton asked me to.

183. Q. But why was it, if you understood, that he was unwilling the cross-examination should disclose the part which you had played in that conversation?—A. He gave no reason to me.

184. Q. But how did you understand it that he should be so fearful about the cross-examination as to be guarding you on that occasion against saying too much lest it might be drawn out?—A. As I understood him, he remembered the position of the parties at the table, and he did not want to have it appear as though he got his idea from me. I know of no other reason.

185. Q. If I understand you correctly, the idea is this, is it not, that it would be an element of weakness, affecting the credibility of his own testimony, if it should be drawn out on cross-examination that you had explained to him on that subject?—A. My idea about it was, he did not want to get what I knew about it mixed with what he knew.

186. Q. How did you understand there could be a deleterious mixing of your knowledge with his if he possessed a perfect and independent knowledge of his own?—A. I don't know as there could be.

187. Q. Did you have more than one conversation with Stapleton before he was sworn upon that subject?—A. I did not.

188. Q. And you are sure that was the next morning?—A. I am.

189. Q. I suppose that inasmuch as you were apprehensive something might be drawn out on cross-examination of Stapleton touching that conversation, you were very careful to remember the same as well as the time and place where it occurred?—A. I took no particular pains to remember it.

190. Q. You had no idea at the time, I suppose, that Counselor White would be the first to call out that conversation in aid of Mr. Duffy?—A. I had none.

191. Q. Do you know a man by the name of J. Eugene Bonney, otherwise known as Tip Bonney?—A. I do.

192. Q. Was he present at the time the canvass was going on?—A. I can't say.

193. Q. How many times can you swear you saw Mr. Mason smile that night?—A. I can't say how many times; can't state how many times; several times.

194. Q. Did you know that Tip Bonney received one vote for Representative in Congress at that poll?—A. I don't remember whether he did or not, he receives votes quite often.

195. Q. And there is some little sport usually attached to those votes, is there not?—A. There is generally some sport.

196. Q. Can you say that Bonney was not standing very near Judge Mason while they were counting the Congressional tickets?—A. I cannot; I don't remember of seeing him there during the canvass.

197. Q. Let me refresh your memory a little. While counting the Congressional vote, did they not come to one vote which had been cast by erasing the name of Judge Mason, and writing upon the ballot the name of J. E. Bonney; and did not Judge Mason, when that ballot was opened, turn to Mr. Bonney and laugh and say, "Tip, you have got a vote," or words to that effect?—A. I have no recollection of there being such a

vote found; do not remember of seeing Mr. Bonney, or of hearing Mr. Mason speak to him.

198. Q. Will you say that such an occurrence did not take place there?—A. I cannot say that it did not take place.

199. Q. I understand you to say that the only words you remember Judge Mason to have used were these: "Watts made that vote quick."—

A. That is not as I testified.

200. Q. Are those the words used by Mason?

(Objected to, as the subject has been exhausted. Objection sustained; Underhill dissenting.)

A. They are not just as I remember them or swore to them.

201. Q. Then will you repeat them as you now remember them?—A. As I remember them, Mr. Mason said, "Watts made that last voter quick."

202. Q. Will you swear that he said "voter"?—A. I could not say whether it was "voter" or "vote"; my memory is it was "voter."

203. Q. Then I understand you that your memory is not distinct enough to enable you to say which term was used, "vote" or "voter"?—A. It is not.

204. Q. Was Hollingsworth's name mentioned by Judge Mason?—A. I can't say that it was by Judge Mason.

205. Q. Were the words "last vote" used by Judge Mason?—A. The words "last voter" or "last vote" were used by Judge Mason.

206. Q. The word "last" came in there somewhere?—A. It did.

207. Q. Can you swear, of your own knowledge, that Judge Mason ever saw Hollingsworth, or knew that such a man had voted, or that such a man lived in Hamilton, until after the arrest?

(Objected to upon the ground that that question was asked the witness before; it's done to consume time. Objection sustained. Underhill dissented.)

A. From the conversation I heard there, Judge Mason must have known that he voted. I have no other knowledge except that conversation.

208. Q. You mean by that, do you not, to speak from your own interpretation of what you think you heard Judge Mason say?—A. I speak from my understanding of the conversation I heard.

Adjourned at 12 m.

Cross-examination resumed at 1.30 p. m.

209. Q. Did you inform the marshal at Utica that Mr. Welton had been tampering with the grand jury?—A. I did not inform him that Welton had been tampering with the jury, but that Welton had been talking with the jury about the case.

210. Q. What did the marshal say when you told him Welton had been talking with some of the grand jury?—A. He said he had no right to do that; that he would talk to him about it and scare him.

211. Q. Did not you, your brother Thomas, and Stapleton, or one of you, request the marshal, in substance, to play a joke upon Mr. Welton, and make him think that something serious had been done; and did not all three of you, by a concert of action, undertake, as a class of merriment, to annoy Mr. Welton, knowing him to be an old gentleman, and of a serious temperament?—A. I did not request the marshal to play a joke on Mr. Welton; I don't know what my brother or Mr. Stapleton did; and when Mr. Welton spoke to me about the matter, I told him what the marshal said, which was that the jury had been bulldozed, without any further explanation to him. Stapleton and I laughed about



it after Mr. Welton had talked to us. Thomas Beal was not present then.

212. Q. But what was there about this that you and Stapleton should find so much pleasure in?—A. I was laughing at the way Mr. Welton had changed. Before this marshal spoke to him he claimed to know what the jury were going to do. After the marshal had spoken to him he claimed he did not know anything about what they would do. Said he had only just spoken to one of some or the jurymen; I forget which of the jurymen.

213. Q. Why should you forget whether he said one or some?—A. Because I made no effort to remember it. Did not consider it of any importance.

214. Q. Why did you go and complain to the marshal?—A. Because I thought Welton had no right to talk about the case to the jurymen.

215. Q. I take it, then, you were in sympathy with the prosecution?—A. I was in favor of having the case tested.

216. Q. I wish you would name those whom you understood were there present like yourself, in sympathy with the prosecution.—A. Mr. Stapleton, Thomas Beal, and I understood Dr. Maynard to say he was in favor of testing the case.

217. Q. When did you first learn, and from whom did you first learn, that there was an intention to take the case before the grand jury at Utica?—A. I first learned it when Marshal Higginson subpoenaed me to attend.

218. Q. Had you never spoken with Counselor White upon the subject?—A. Not since the students were discharged by Commissioner Dennison.

219. Q. Did you never hear who it was that sent for the subpoenas?—A. I did not. All I know is what the marshal told me. I asked him when he served the subpoena on me. I asked him who was starting this up now, and he said the court was dissatisfied with Dennison's decision.

220. Q. Did he say who the court was?—A. He did not.

221. Q. Did you subsequently learn that it was the district attorney?—A. Dr. Maynard told me that he had learned it was District Attorney Crowley that had started the case; that when he went out of office the papers were handed over to District Attorney Townsend, his successor. Mr. Welton told me instead of understanding it was the court he understood the marshal to say district attorney.

222. Q. Do you know of any one in Hamilton who was favorable or desirous that further action be taken after Commissioner Dennison's decision and his finding and determination of the facts presented?—A. I don't know of any one's expressing a determination to prosecute.

223. Q. Will you answer my question?—A. I know that the Democrats were generally dissatisfied with the decision. I can't fix upon any one.

224. Q. You may name those Democrats whom you know were dissatisfied with Commissioner Dennison's decision.

(Objected to as immaterial, and is reopening a question of no importance. Objection sustained. Underhill dissents.)

A. I can't give all that I heard express dissatisfaction; David C. Mott, W. K. Lippitt, S. D. White, J. A. Mott, Thomas Beal, Allen Enos, Charles Butterfield; that is all that come to my mind now.

225. Q. But the majority of those were the active participants in the first arrest, including yourself?—A. Yes.

226. Q. There are several hundred Democratic voters in the town of Hamilton, I suppose?—A. Yes.

227. Q. Do you know that this dissatisfaction was general among them, so that you could testify to that fact of your own knowledge?—A. I understood it to be general.

228. Q. Do you know it to be so?

(Objected to as immaterial and sufficiently answered; same ruling.)

A. I can't speak for the town; only the village.

229. Q. Was not President Dodge, Professor Andrews, and many other prominent Democrats in the village, including Mr. West, Mr. Fairchild, and those Democrats who have been called in this case, opposed to that prosecution, even in the first instance?

(Objected to; immaterial. Same ruling.)

A. Dr. Dodge is the only one in that list that I know was opposed to the proceedings.

230. Q. Can you say that one of those gentlemen favored it?

(Objected to as before. Same ruling.)

A. I can't say.

231. Q. Can you say that there were not a majority of the Democratic voters in the town of Hamilton opposed to the prosecution?

(Objected to as before. Same ruling.)

A. I cannot.

232. Q. Can you say there were not a majority in the village?

(Same objection. Same ruling.)

A. I cannot say.

233. Q. You did not tell us with reference to Stapleton's merriment over Welton in Utica. State what you know about that.

(Objected to; subject has been inquired into and left. Same ruling.)

A. All I know is, Mr. Stapleton laughed about it.

234. Q. Was he not constantly boring Mr. Welton with the idea of his arrest, and did you not join it?—A. Not that I know of.

235. Q. Did you see Sebastian Duffy on the last day of the proceeding?—A. Yes.

236. Q. Do you know what he was doing in Utica?—A. I did not see him in Utica. On the train I saw him first which brought us out of Utica.

237. Q. How long after the train started before you saw him?—A. I can't say how long a time; after we left Oriskany Falls.

238. Q. And he came on to Hamilton with you?—A. He came on train.

239. Q. Did you talk with him?—A. I did not.

Redirect examination:

240. Q. Was it this side of Clinton, the junction of the Rome and Clinton Road, that you first saw Mr. Duffy on the train?—A. Yes.

241. Q. Do you understand that coming from Oswego County, he could come to Rome, thence on the branch, and touch this road at point beyond Oriskany Falls?—A. I do.

242. Q. During the time that you were counting the votes, and especially during the fore part thereof, was Hollingsworth's name frequently spoken?

(Objected; immaterial, incompetent, and not in rebuttal. Same ruling.)

A. It was.

243. Q. Was the remark which you have attributed to Mason about that voter having been made quick, before you commenced to count the Congressional vote?—A. It was.

244. Q. State, as near as you can judge, about how long before.

(Same objections. Same rulings.)

A. I should say about half an hour.

Recross-examination:

245. Q. How came you to go and talk with Waldron about the conversation at the canvassing table?—A. I did not go to talk to him.

246. Q. How came you to talk with him?

(Objected to as not having been inquired about upon redirect. Same ruling.)

A. He was in the store and we were talking about this examination and I told him about that remark I had sworn to, and I asked him if he heard it.

247. Q. Do you know of any one sitting around that table, except Judge Mason, whom you have not conversed with, with a view to finding some one who would corroborate you?

(Objected to; all given. Same ruling.)

A. I never talked with Mr. Van Slyck about it. I have talked with all the members of the board, but no one else.

248. Q. And you have been unable to this time to obtain any corroboration except what little you got out of Stapleton, have you?

(Objected to as improper. Same ruling.)

A. Mr. Stapleton is the only person who ever told me he heard the remark.

249. Q. How long was it after you informed the marshal as to Welton's interference with the jury before the marshal had his talk with Welton?

(Objected to as having been gone over and exhausted. Same ruling.)

A. I should think it was within twenty minutes.

250. Q. You understood his talk with Welton grew out of your information, did you not?

(Same objections. Same ruling.)

A. I did.

251. Q. And did you tell the marshal that Welton had been bull-doing the jury?

(Same objection. Same ruling.)

A. I did not.

252. Q. Did you understand that that was a charge from the marshal, as he told you, with design to frighten Welton?

(Objected to. Same ruling.)

A. I did not so understand it. The marshal told me the jury had been bull-doed before I told him about Mr. Welton.

253. Q. I take it, then, that the marshal was earnestly engaged in the prosecution?—A. So I understood it.

254. Q. And you understood further, did you not, that the marshal and District Attorney Murray were the only persons in charge of the jury?—A. I did not so understand.

255. Q. Who did you understand had them in charge, if they did not?—A. District Attorney Townsend.

256. Q. Did you learn anything of District Attorney Townsend bull-doing the jury?

(Objected to as before. Same ruling.)

A. I did not.

257. Q. Did you know of any interference of the jury except what Welton said?—A. I did not.

258. Q. You say that you had a conversation with William Kelloway in which he told you he did not care for Mason or Duffy; when was that conversation?—A. I can't give the date.

259. Q. Where was it?—A. It was on the sidewalk.

260. Q. Who was present?—A. Nobody except Kelloway and I.
261. Q. Who commenced the conversation?—A. I can't say.
262. Q. What was the first thing said?—A. I can't give it.
263. Q. What was the first thing said that you can give?—A. I don't care for Mason or Duffy; I will work for the party that will pay me for my time, and I control a slew of votes in this town, or village, don't know which word. That is all I remember.
264. Q. You do not remember of speaking during the conversation?—A. I do not remember what I said; I spoke.
265. Q. Do you remember that you spoke?—A. I remember of talking with him.
266. Q. You can't give one word that you said?—A. I can't.
267. Q. You can't give another word he said?—A. I can't.
268. Q. What is the trouble you can't remember what you said or anything else but these particular words?—A. No trouble, only I simply fail to remember.
269. Q. You say you told Keith?—A. Yes.
270. Q. What did you tell Keith?—A. I told him what Kelloway said; that he did not care for Mason or Duffy, but would work for the party that would pay him for his time; that he could control a "slew" of votes in this town.
271. And what did Keith say?—A. Said he would see him.
272. Q. See him about what?—A. I supposed about working.
273. Q. Was that your object in telling Keith?—A. It was.
274. Q. You did not expect he would work without money, did you?—A. I did not know. I had no expectations.
275. Q. Did you know or hear of any money being used on your side or the side of Mr. Duffy to aid his election? (Objected to as not relevant to the inquiry. The use of money on the part of Mr. Duffy or his friends, if at all, should have been given in the second forty days. Same ruling.)
- A. Not till after this examination commenced.
276. Q. Have you heard anybody say that they received money?—A. No.
277. Q. Or that they paid money?—A. I have.
278. Q. Who was it?—A. I heard Mr. Lippitt say that he had paid poll-drivers.
279. Q. Did he say how many or how much?—A. No; except in one case.
280. Q. When did he tell you that?—A. I heard him tell Dr. Maynard.
281. Q. What is his politics?—A. A Republican.
282. Q. When was it?—A. Some time last week, I think.
283. Q. Did he say anything about Simpson? (Objected to, first, that it is irrelevant; second, no part of a cross-examination; third, immaterial, and to consume time. Same ruling.)
- A. He said that he paid Simpson \$20 for his services that day, and that Simpson went on to the stand and swore it all straight just as it was, for services. That when the court adjourned for supper Mr. Lamoree got the witness and fixed him up, so that he made his testimony appear different after supper; but that Mr. White broke that up, and made the witness admit he had been counseling Mr. Lamoree. That is it in substance. This is all I remember.

By H. H. KEITH:

284. Q. At the time you claim you had the conversation with Keith, do you mean to be understood as conveying the idea that Mr. Keith

would use money or throw out or use any improper influences to secure the help of Mr. Kelloway?

(Objected to, first, that it's no part of a cross-examination; second, the witness has stated just what was said and done, and the inference is irresistible that Keith first bought Kelloway's further allegiance, and that Kelloway was afterwards bought away from Keith, on Keith's own door-steps, by Mason, together with the whole Kelloway family, together with the "slew" of votes that Keith was informed Kelloway controlled. Same ruling.)

A. Mr. Keith never said to me he would use money or any improper influences.

GEORGE BEAL.

Subscribed and sworn April 9, 1879.

S. E. SCRANTON, JR.,  
*Notary Public for Madison County, New York.*

*Deposition of Silas Bass.*

SILAS BASS, sworn, testified as follows:

1. Question. What is your age?—Answer. Thirty-nine years.
2. Q. Residence in Hamilton?—A. Yes.
3. Q. Do you know Charles F. Risley?—A. Yes.
4. Q. How late before election, if at all, did you hear him say or speak about voting for Mason? If you did, state what he said.  
(Objection same. Same ruling.)
- A. I think I did not hear him speak upon the subject.
5. Q. Did you hear him talking with any one else election morning?—A. No, sir; not that I remember of.
6. Q. During election day?—A. No, sir.
7. Q. Have you not heard Mr. Risley say anything in relation to voting or working for Mason?—A. No, sir.
8. Q. Did you hear anybody request him to go to work for Mason on the day of election?—A. No, sir.
9. Q. Have you heard any one else say they did?  
(Objected to; incompetent; not rebuttal. Same ruling.)
- A. I think I have.
10. Q. Who was it?—A. Mr. M. Z. Wedge.
11. Q. What was it?—A. I don't know as I can state it.

SILAS W. BASS.

Subscribed and sworn before me April 9, 1879.

S. E. SCRANTON, JR.,  
*Notary Public in and for Madison County, New York.*

*Deposition of Andrew S. Clark.*

ANDREW S. CLARK, sworn, testifies as follows:

(Objected to upon the ground that no proper notice has been given of his intended examination, said notice not having been satisfied in point of time.)

1. Question. What are your politics?—Answer. I have been a Democrat for 15 years or more.
2. Q. For whom did you vote last fall for Representative in Congress?  
—A. Mr. Duffy.
3. Q. Did you attend a Democratic caucus in this village shortly before election?—A. Yes, sir.

4. Q. When was that caucus?—A. The night before election, I believe.

5. Q. For what purpose was it called?

(Objected to as immaterial and incompetent. Objection overruled. Underhill dissenting.)

A. For the purpose of appointing poll-drivers and making necessary arrangements for election.

6. Q. State so far as you remember who were appointed poll-drivers.

(Same objections. Same rulings.)

A. I think Austin Tibbitts, La Mott Smith, Chas. Wilcox, John Kennedy and myself were appointed poll-drivers, and I think Joseph Stevens was appointed to see to getting in voters.

7. Q. Were Austin Tibbitts, Chas. Wilcox and Joseph Stevens present at that caucus?—A. Yes, sir.

8. Q. Who was made chairman of the meeting?—A. I think Mr. Bar-  
tle was.

9. Q. Who was appointed challenger?

(All relating to that meeting is deemed taken under objection of same ruling.)

A. I think George Barber was; he was talked of and acted as such part of next.

10. Q. And is he a son of Eli Barber?—A. Yes.

11. Q. Was there a resolution passed at that caucus to the effect that the poll-drivers and those appointed to get out the vote should peddle and work for the whole ticket?—A. I don't think there was any resolution passed, but the matter was spoken of and understood that were all to work for whole ticket.

12. Q. Did Austin Tibbitts, Joseph Stevens, or Charles Wilcox in any way, as you heard or understood, dissent from such talk?—A. No, sir.

13. Q. Did you at the time know that those men were emissaries and spies sent by the Republican party into your camp?

(Same objections. Same ruling.)

A. No.

14. Q. When was the first that you learned that either of those men were at work for Mason?

(Same objections and rulings.)

A. Election morning.

15. Q. And was it rumored on the streets during that day that they, or either of them, were paying money in his interest?

(Same objections and rulings.)

A. Can't say that; it was rumored that they were paying money. I heard the rumors; I did not hear that they were paying it personally.

16. Q. Was it rumored on election day that money was being used by Mason's friends in his interest?

(Same objections and rulings.)

A. I heard such a rumor.

17. Q. Were you present when the negro Hollingsworth voted?—A. Yes, sir.

18. Q. State a conversation which you had with George Barber, the challenger, as Hollingsworth was about to vote.

(Same objections and rulings.)

A. I had previously been to Barber, and when Hollingsworth came up to vote I requested Barber to challenge him, and he said he would not challenge any more. I went to Mr. Barber when they were bringing up some students to vote. I said, "George, challenge those men." He said, "No; you must get some one else." I said, "We appointed you

as challenger. What is the matter?" He said, "It is for my interest not to do so any more." I turned and left him then. He did not challenge Hollingsworth, as I understand.

19. Q. Was he present at the caucus?

(Same objections and rulings.)

A. I think he was; I may be mistaken as to that.

20. Q. Do you understand that he voted for Mason?

(Same objections and rulings.)

A. I understand so; I can't say positively.

21. Q. When he occupied the position of challenger and entered upon his duties, did you know that he also was a paid emissary of Mason?

(Same objections and rulings.)

A. No, sir.

22. Q. Some days before Ralph Simpson was examined, did you hear him say that Mr. Lippitt never gave him a cent in his life?

(Same objections and rulings.)

A. Yes; I heard him say so.

Cross-examined by J. J. LAMOREE:

23. Q. Did you receive any money from any source as a compensation for services rendered at the polls?—A. Yes, sir.

24. Q. From whom, and how much?—A. Three dollars, from W. K. Lippitt.

25. Q. Did you receive money from any other source for matters relating to the election?—A. No, sir.

26. Q. Do you know of other poll-drivers who were working in the interest of Mr. Duffy, and who received a compensation similar to yourself?—A. I have heard it sworn on the stand here. I don't know of my own knowledge.

27. Q. Have you talked with Mr. Lippitt on the subject, or heard him talk since this contest commenced, with reference to whom he employed or paid?—A. Only in reference to what he paid me.

28. Q. Will you swear that Joseph Stevens was appointed a poll-driver?—A. I swore he was appointed to see to getting in the voters; the same thing, only not to work at the polls. He was to work outside.

29. Q. Did you know this to be so?—A. I think it was, and that W. K. Lippitt suggested the idea that Stevens should be appointed to see to getting in voters on that day.

30. Q. Can you swear, of your own knowledge, that George Barber was appointed challenger?—A. I cannot say that he was appointed in this meeting. It was so understood.

31. Q. Who else acted as challenger?—A. I think George Beal challenged Hollingsworth; I can't say how long he acted.

32. Q. What time in the meeting was it that the conversation took place to the effect that they should stand by the whole ticket?—A. At the latter part of the meeting, when we were about closing up.

33. Q. You mean to say by that that you so understood it and suppose others did?—A. Yes; somebody got up, I think W. K. Lippitt, and said we should all support the whole ticket; I assented to it and supposed others did.

34. Q. Do you mean to say you said anything or consented by your silence?—A. By my silence; and the others did the same.

35. Q. Do you know now that any person attended that meeting as a spy or for any other improper purposes?—A. I should think so.

36. Q. Do you know it to be so of your own knowledge?—A. Judging from what I saw afterwards, I should say I did.

37. Q. Then you think that those were Democrats in that meeting who did not intend to favor Mr. Duffy's election next day?—A. Yes, sir.

38. Q. Do you know that Mr. Wilcox did not work for and support Mr. Duffy?—A. I have reasons to suppose he did not.

39. Q. And have you not reasons to suppose that a goodly number of Democrats in Hamilton and vicinity did not support Mr. Duffy?—A. Yes, sir.

40. Q. And a good many of them were among your foremost citizens, were they not?—A. They were.

41. Q. Why did you not challenge Hollingsworth if you felt he was not a voter and wanted somebody to challenge him?—A. I never acted in that capacity and I had a little reluctance about doing it.

42. Q. Can you not say that he was also reluctant?—A. I should say he was.

43. Q. Was not George Beal then acting as challenger?—A. I cannot say he was acting as challenger; he was one of the board, I believe.

44. Q. The Greenbackers did not meet with you in that caucus?—A. No, sir.

45. Q. Then you regarded the caucus as a purely Democratic caucus?—A. I regarded it as such.

46. Q. You have spoken in reference to Ralph Simpson; when did you first learn that he was paid money on election day?—A. I can't state the time; it was the night he was on the stand.

47. Q. When was it you had the talk before that with him?—A. I think it was some two or three days before he was brought on the stand.

48. Q. That was before you learned that W. K. Lippitt had let the cat out of the bag?—A. Yes.

49. Q. You have said you understood Geo. Barber voted for Mr. Mason; do you know that fact to be true?—A. I do not of my own personal knowledge.

50. Q. How came Lippitt in the caucus, if you know, to put forth an effort to prompt a support of the whole ticket; did you understand that that suggestion was prompted by an apprehension that any one then was likely to bolt Mr. Duffy's support?—A. I can't tell what caused him to do so.

Redirect:

51. Q. Did you understand that Mr. Duffy had been a life-long Democrat?

(Objection; immaterial and incompetent; same ruling.)

A. I have understood so; yes.

52. Q. Have you since understood that W. K. Lippitt, the chairman of the Democratic county committee, and who offered that resolution and suggestion, also voted for Mr. Mason?

(Same objection; same ruling.)

A. I have understood so; that is it is rumored so.

53. Q. Do you know whether it was Mr. Mason's or Mr. Duffy's money that he paid you?—A. No, sir; I never have asked him.

54. Q. Have you seen Watts Cushman for the last few days?

(Same objection; same ruling.)

A. I can't say that I have.

55. Q. Have you heard it stated that his whereabouts are unknown?—A. I know nothing about him.

56. Q. When was it first that you learned that either of the Kelloways were to support Mason?

(Same objection; same ruling.)



A. On election day, I think.

57. Q. And are they men who you see daily generally?—A. Yes, sir.

58. Q. Have they been for some time regarded as important factors in politics of this town, for the reason that it is understood that as one goes all go?

(Same objection; same ruling.)

A. Yes; I have understood so.

Recross by J. J. LAMOREE:

59. You say that you have understood that Sebastian Duffy had always been a Democrat; did you not also understand that that gentleman had left the Democratic party, had espoused the cause of the Greenback party, and was opposed to the resumption of specie payment, and equally opposed to the national-banking system, and in favor of an expansion of the paper currency of the country in the interest of labor and reform?—A. I inferred as much from his speech here, except that he had left the Democrats. I did not understand that.

60. Q. You understood that he the Greenback party on those issues, and was nominated in a Greenback convention some time before his indorsement by the Democratic party?—A. Yes, sir.

61. Q. You also understood, did you not, that the Democratic party were divided on those issues into two classes, known as the hard and soft money Democrats?—A. Yes.

62. Q. And you also knew, did you not, that the hard-money Democrats largely predominated at the State convention, and put forth a and advocated the principles of hard money and a return to specie payments?—A. I believe they did.

63. Q. Under those circumstances, could you expect anything less than a divided support of Mr. Duffy upon those issues?—A. Well, I should think it would divide them more or less.

64. Q. And your observations confirmed that opinion, did they not?—A. To a certain extent.

Redirect by S. D. WHITE:

65. Q. Have you also understood or heard it stated that Mr. Duffy had abandoned his Greenback heresies, if such they may be called, and is now a Democrat?—A. I have heard a rumor to that effect.

66. Q. You are a man of limited means?

(Same objection; same ruling.)

A. Yes.

67. Q. State the circumstances in relation to the payment of \$3.

(Same objection; same ruling.)

A. There was no inducement offered me in any way, shape, or manner. I expected nothing; and about ten days after election Mr. Lippitt gave me this \$3. I told him I expected nothing. He told me I was a poor man, and could not expect to lose my day for nothing.

Recross by J. J. LAMOREE:

68. Q. I take it, from what you have said, that you do not regard it as wrong to accept pay for services rendered at the polls on election day?—A. I do not regard it as wrong when it did not influence my vote.

69. Q. Have you not understood that it has been a prevailing custom to pay the persons for working at the polls by the respective parties?—A. I do not know it of my own personal knowledge. I have heard that they do.

70. Q. If the Kelloways were all in the habit of voting the same

ticket, are you surprised that Charles Kelloway should have voted with the rest of the family at last fall's election, and voted the Republican ticket?—A. I was somewhat surprised, as I had heard he was a Greenbacker. That is my only reason.

A. S. CLARK.

Subscribed and sworn before me April 10, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of La Mott Smith.*

LA MOTT SMITH, a witness called and duly sworn, says:

(Objection made to swearing said witness on the ground that no proper notice has been given of his intended examination, said notice not being sufficient in point of time.)

90. Question. Do you know Charles H. Smith, of the village of Hamilton?—Answer. Yes.

91. Q. Do you understand that he voted for Mr. Mason on the 5th of November last?

(Objected to as immaterial and incompetent. Witness should be confined to facts, if he has any. Objection overruled; Underhill dissenting.)

A. I understood he voted for Mr. Mason.

92. Q. Did you observe that he was at work for Mr. Mason on the day of election?—A. Yes; some.

93. Q. Do you know Charles F. Risley?—A. Yes.

94. Q. What, if anything, did you hear Charles H. Smith say about Charles F. Risley's vote?

(Objected to; same ruling.)

A. I don't know as I heard him say anything about his vote. I heard Smith say a night or two before election Mr. Risley went to the Park House and inquired for a man, one of Mr. Mason's friends, and he went up to his room in the Park House. Smith said he knew damned well what he went for. He said "If I had only hung back a little I could have got quite a stamp out of them." That is all he said about that.

95. Q. Was there anything said by him in relation to Risley's being opposed to Mason?

(Same objection; same ruling.)

A. He said Risley was opposed to Mason up to that time.

96. Q. When was the first you heard the Kelloways were supporters of Mason?—A. On election-day.

97. Q. Did you understand them to be Greenbackers up to that time, and anti-Mason men?

(Same objection; same ruling.)

A. I understood Charles Kelloway to be a Greenbacker. I had heard William Kelloway say he would not vote for Mr. Mason. I never heard anybody but Charles and William say anything, but it was so rumored.

98. Q. Was Mason popular or unpopular among the Republicans in this place at the time of his nomination?

(Same objection; same ruling.)

A. Unpopular.

99. Q. How was he with the Democrats?—A. Unpopular.

100. Q. Quite general and universal hatred?—A. So far as I heard.

101. Q. Had you heard it charged that he, while surrogate of Madison County, bought up what is known as the Felt estate?

(Same objection; same ruling.)

A. I heard he had bought up some of the heirs, or got men to buy them up.

102. Q. Have you heard of his connection with the Clark estate while surrogate?—A. No, sir.

103. Q. Did you hear of threats of impeachment against him in connection with either of those estates?—A. I did not.

104. Q. Were you present at the Democratic caucus the night before election?—A. I went in just before they adjourned, a few minutes.

105. Q. Did you see Joseph Stevens, Charles Wilcox, Austin Tibbitts, and George Barber there?—A. I saw Mr. Wilcox and Austin Tibbitts; don't remember as to others.

106. Q. Did you hear a resolution that the poll-drivers should support the whole ticket?—A. I don't remember.

107. Q. Did either Tibbitts or Wilcox inform you that they were going to support Mason, or that they were spies?—A. No, sir;

108. Q. When was the first that you knew that they were going to support Mr. Mason?

(Same objection; same ruling.)

A. On election day.

Cross-examined by J. J. LAMOREE:

109. Q. How long have you been an expert on popularity?—A. I have not claimed to be an expert on popularity.

110. Q. How long since you discovered the unpopularity of Judge Mason among his neighbors?—A. I have heard it talked about some time.

111. Q. To maintain your own popularity you joined the masses, I suppose, in the general hatred of Mason?—A. No, sir; I don't know as I joined them to maintain my own popularity.

112. Q. What did you join them for, if not for that?—A. I don't know as I joined the masses; he is a man I did not call popular, and I heard others say he was very unpopular.

113. Q. Can you name a single man in the town of Hamilton who did not vote for Judge Mason for Congress?—A. Yes, sir.

114. Q. Name him and all the others you can.—A. Lysander Robinson did not vote for him. I did not see any others vote.

115. Q. Can you name another Republican in the town of Hamilton who voted against Judge Mason?—A. No, sir.

116. Q. You know, do you not, of many gentlemen of high standing, members of the Democratic party, whom you understand voted for Judge Mason?—A. I heard of some whom I understand voted for him.

117. Q. Name some of them, if you please.—A. I understand Mr. West voted for him, and Jaret Wickwire, Mr. Hackley, Hugh Leonard, Dr. Dodge, E. B. Mott, Joseph Stevens, William Fairchild, Austin Tibbitts, and Charles Wilcox.

118. Q. Do you think of any other prominent Democrats?—A. No.

119. Q. Can you say there were not a large number of others whom you do not recall?—A. I cannot say.

120. Q. How did you account for those prominent Democrats, and such men as Dr. Dodge, voting for so unpopular a candidate as Judge Mason, whom everybody hated?—A. I don't know as I ever accounted for Dr. Dodge's vote. I supposed West voted for Mason because of Duffy's position on national banks. I heard William Fairchild say he went up to the polls and voted for Mason, and said he could not get any Democratic ticket.

121. Q. Did he give that as a reason why he did not vote the Demo-

cratic ticket?—A. That is what he told me when he came down stairs after he had voted.

122. Q. Why did you not get him a Democratic ticket?—A. How did I know he wanted one after he had voted?

123. Q. You have no prejudice against Judge Mason?—A. I don't know as I have in particular.

124. Q. What do you mean by in particular?—A. I mean I am not prejudiced against him in any particular thing as I know of.

125. Q. You mean by that, I suppose, that you are not scorched on one side, but browned all over?—A. I did not know I had been scorched or browned all over.

126. Q. What do you mean, then. Define your position toward Judge Mason.—A. I never had any trouble with him. I did not think he was as good a man as Duffy; he was not my party man.

127. Q. What else?—A. That is why I did not vote for him. I have had some dealing with him and always got along well with him.

128. Q. Did the fact that Judge Mason would not go fishing with you on Sunday have anything to do with it?—A. No, sir.

129. Q. How long since you have attended church on Sunday?—A. I don't know, sir.

130. Q. Really you feel a little bitter toward Mr. Mason?—A. Politically I do; personally I do not.

131. Q. You are acquainted with Mr. Duffy?—A. No, never spoke with him.

132. Q. How did you know he was a better man than Mason?—A. I heard him speak, and have heard Mr. Mason speak, and called him the better man.

133. Q. I take it then that Duffy's speech, which rendered him so unpopular in Hamilton, met your approval, and endeared the speaker to you from that time forward?—A. His speech suited me, yes.

134. Q. Then you must have been a soft-money Democrat?—A. Call it what you like; his speech suited me on that question.

135. Q. How long have you been at variance with Judge Mason?—A. I have been at variance with him politically a good many years; nothing personally. I never had any words with him.

136. Q. Did you have any difficulty with him in matters of dealing?—A. No, sir.

137. Q. Do you know of a dishonorable act on part of Judge Mason?—A. No; not of my own knowledge.

138. Q. And you lived in same village how long?—A. Ten years; have always lived within two miles.

139. Q. What is your business?—A. A carpenter by trade.

140. Q. Did you apply to Judge Mason for work?—A. No, sir.

141. Q. Did you work on his house?—A. No, sir.

142. Q. Have you ever had any matters of dealing with him?—A. Yes; some.

143. Q. How long ago?—A. Eight or nine years ago.

144. Q. How long since you spoke with Mr. Mason?—A. I think this winter; I generally speak when I meet him.

145. Q. Will you swear you have spoken to him within a year?—A. Yes.

146. Q. How many times have you been in Counselor White's office since this contest commenced?—A. Two or three times; perhaps four or five times.

147. Q. When were you there last?—A. Sunday evening, I think.

148. Q. How came you there on Sunday evening?—A. He saw me in

the afternoon and told me to come in in the evening, that he wanted to see me.

149. Q. Did you talk with him about this filth which you are trying to throw on Judge Mason?—A. He asked me a few questions about Risley and Smith, and I answered him.

150. Q. How long were you there?—A. Perhaps ten minutes.

151. Q. Did you see Leonard there?—A. I did.

152. Q. Who else?—A. Mr. Briggs and Mr. Kennedy.

153. Q. What was Mr. Kennedy doing there?—A. He was talking with White when I went in.

154. Q. You are intensely partisan sometimes, are you not?—A. Not always; sometimes.

155. Q. And when you espoused the inflation ideas and fell in love with Duffy's speech, I take it you fought bravely for him?—A. Not very, I did not.

156. Q. What was the trouble with you?—A. I fought as bravely for him as anybody. I did not work very hard for any one.

157. Q. Did you not peddle tickets at the polls?—A. Nearly all day; I was a poll-driver.

158. Q. Were you not paid \$3 for your day's work?—A. I was.

159. Q. Who by?—A. By W. K. Lippitt.

160. Q. What were you getting per day at that time?—A. One dollar and seventy five cents.

161. Q. Who paid \$1.75?—A. S. D. White.

162. Q. How much have you worked for White?—A. Considerable in last two or three years.

163. Q. Talked with him some about his building a new house?—A. Yes.

164. Q. He has not commenced it yet?—A. Got the cellar partly dug.

165. Q. You expect to work on that job, don't you?—A. Yes; I expected to work on that job last winter.

166. Q. Did you offer William Fairchilds a vote on election day?—A. I don't know as I did.

167. Q. You had tickets in your hand, did you not?—A. Yes; most of the time.

168. Q. You know Ralph Simpson?—A. I do.

169. Q. When did you first learn that Ralph Simpson received money from Lippitt?—A. Two or three days ago.

170. Q. Did you hear Lippitt speak about it?—A. No, sir.

171. Q. Did you hear any other poll-drivers who got money?—A. Any what I have heard within a few days.

172. Q. Who did you hear that Lippitt paid money?—A. Andrew Clark, Austin Tibbitts, Charles Wilcox, and Ralph Simpson.

173. Q. Did you see Simpson working around the polls?—A. I don't recollect.

174. Q. Who told you that Tibbitts had any money?—A. I don't know who it was. I heard some one say so a few days ago in Fred. Bonney's wagon-shop. I can't say whether it was Andrew Clark or Fred. Bonney. Some one said it had been sworn to on the stand.

175. Q. You don't know there was any such thing sworn to?—A. No; only what I heard.

176. Q. You don't know that Tibbitts had anything?—A. No, sir.

177. Q. You regard Charles H. Smith as a reputable gentlemen, do you not?—A. I do.

178. Q. Does he live in the village?—A. He does.

179. Q. Can you conceive of any reason, if he is in possession of any

national fact, why Counselor White has not called him to establish that fact instead of calling you to swear to what Smith had said out of court?—A. I do not know of any reason.

180. Q. Did you attribute it to the fact that Mr. White reposed greater confidence in your hearing than in the facts themselves for so reputable a gentleman as Mr. Smith?—A. I did not.

181. Q. That idea, I suppose, had not suggested itself to you?—A. No, sir.

182. Q. Do you know why Mr. Risley has not been called?—A. No, I do not.

183. Q. He resides here in the village, and is a reputable gentleman, is he not?—A. Yes, he is reputable for anything I know.

Redirect:

184. Q. Have you any personal feeling toward Judge Mason whatever?—A. No, sir.

LA MOTT SMITH.

Subscribed and sworn before me April 10, 1879.

S. E. SCRANTON, JR.,  
Notary Public.

*Deposition of M. Z. Wedge.*

M. Z. WEDGE, sworn, testifies as follows:

(Objected to, that the notice was served April 7, 1879, at 6 p. m., and objections then and there made as to time; that the time fixed for the taking of the deposition was April 9, at 9 a. m., while the statutes require five days' notice in case of rebuttal.)

1. Question. Are you a Republican in politics?—Answer. I am, sir.

2. Q. What is your age?—A. Sixty years.

3. Q. Where do you reside?—A. In Hamilton Village.

4. Q. Do you know Charles F. Risley?—A. I am somewhat acquainted with him.

5. Q. Did you have a conversation with him shortly before election?—A. Yes, three or four days previous.

6. Q. What did he say, if anything, in relation to voting for Mason? (Objected to as immaterial and incompetent. Objection overruled. Underhill dissents.)

A. I heard him say he could not support Mr. Mason.

7. Q. What else did he say?

(Same objections; same rulings.)

A. Said I, "You won't vote for Mr. Duffy, will you?" He said, "I would sooner cut my right hand off than to vote for either of them."

8. Q. What reasons did he give for not supporting Mr. Mason?—A. One was, Mr. Mason's poor health; for he would not be able to be in his seat more than half of the time. That is all the objection he made in my presence.

9. Q. Did you understand from him or others that he had a personal grievance?—A. No, sir; I did not.

Cross-examination:

10. Q. Mr. Risley has always been a Republican, I believe?—A. He has since I have known him.

11. Q. You understand him to be decidedly opposed to Sebastian Duffy, and he told you he would lose his right hand before he would vote for him?—A. Yes, before he would vote for either Mason or Duffy.

12. Q. Did you understand him as expressing decided opinions against Greenback principles?—A. Yes; I did.

13. Q. You may state what he said in opposition to the Greenbackers.—A. He spoke of the irredeemable currency, and did not approve of such a currency.

14. Q. Do you regard him as a straight-forward honorable man?—A. I do. I know nothing to the contrary.

15. Q. What is his age, and how long have you known him?—A. I do not know his age; probable fifty-three; I have known him for about nine years.

16. Q. From your acquaintance with him, would you suspect him for a moment as having sold his vote or been influenced by any improper means?—A. No; I would not.

Redirect-examination:

17. Q. Did you hear of his peddling tickets?—A. I did.

18. Q. Did you not regard it strange after hearing what he said?—A. I thought it a little strange that he should peddle tickets for Mason.

19. Q. Do you remember another act in his life which you regarded so strange as that?—A. No.

20. Q. Do you know of any other reason than money which caused that change?—A. No; and I don't know as money was the cause.

21. Q. Have you ever made any inquiry of him since election the cause of the change?—A. No, sir; I don't think I have seen him since.

22. Q. He is not a joking man, is he?—A. I think he is; I took that as a joke.

23. Q. Then I take it that you did not understand that he was really opposed to Mason or Duffy?—A. That is not what I took as a joke; it was the right-hand part of it.

24. Q. Then I take it that when he spoke of his right hand being cut off that you understood the expression as one on his part giving emphasis to opposition to both men?—A. Yes, sir.

Recross-examination:

25. Q. I am advised that you are mistaken on the point of time; are you certain it was not more than three or four days?—A. I am not positive; it may be longer.

26. Q. You had several conversations about that time?—A. Yes.

27. Q. You talked with him on the subject before Mr. Mason was nominated, did you not?—A. I think not.

28. Q. Are you positive?—A. No, sir; I am not positive; I would not swear we did not by any means.

29. Q. If called upon, would you be able to designate each particular conversation?—A. No, sir; I could not.

30. Q. Could you swear that it was not considerably earlier and about the time of the nomination of Mr. Mason that he told you so emphatically that he would not support Judge Mason, and gave the state of his health as the reason?—A. That is the reason he gave, and I think it was after the nomination, and not long before election.

31. Q. Would you be willing to swear positive that that emphatic language which you have given did not occur prior to or about the time of the nomination?—A. He might have made that remark at that time, and I would not say he did not.

32. Q. Would you swear positive that he made the remark later than the week of the nomination?—A. I would not positively.

33. Q. And what was the date of the nomination?—A. I think the fore part of October.

34. Q. I understand you to say that from your knowledge of Mr. Risley you do not believe for a moment that that gentleman eventually changed his opinion from corrupt and improper motives?—A. I do not believe that he did.

35. Q. You knew of Governor Boutwell's speaking here?—A. Yes.

36. Q. And of Mr. Duffy's speaking here?—A. Yes.

37. Q. Did not Mr. Duffy's speech, in your judgment, materially injure his prospects for an election in this vicinity?—A. I think it did.

38. Q. Did not Governor Boutwell's speech, in your judgment, strengthen the wavering, encourage the indifferent, and give increased animation to the campaign on the part of those favoring the resumption of specie payments?—A. I think it did.

39. Q. You cannot, of course, say how far one or both of those speeches aided Mr. Risley in an earnest and honest determination to oppose Mr. Duffy, and induced him to the support of his own party candidate for Congress?—A. I cannot. I think if I had been wavering I should not had any doubt after hearing Duffy's speech.

Redirect-examination:

40. Q. I infer from your evidence that at the time Mr. Risley made the remark about his right hand I judge you had much more conversation about politics?—A. Yes. I can't remember what.

41. Q. At that time what, if anything, did either of you say in relation to Mr. Duffy's speech?—A. I can't tell you what was said. I presume we discussed it. I think I told him what D. B. West said at the meeting.

42. Q. What did you tell him Mr. West said?—A. Mr. West sat at my left during meeting. He turned to me and made this remark: "I should suppose that every intelligent person would want such a man as that to represent them in Congress." I think I told Mr. Risley that remark in that conversation.

43. Q. At that time, what did Mr. Risley say in relation to Mr. Duffy's speech?—A. I can't give his conversation.

44. Q. At this time, when he spoke of his right hand, what reasons did he give for not supporting Mr. Duffy?—A. He did not believe in Greenback principles.

45. Q. Did he at that time say he heard Mr. Duffy?—A. I think he did, but I can't say.

46. Q. I infer, then, that this conversation was after Mr. Duffy's speech?—A. It is my impression it was after that, but am not positive.

47. Q. Did you use this expression to-day, that he said that two or or three days before election?

(Same objections; same ruling)

A. Yes; my impression was that it was two or three days.

48. Q. Is that still your impression?—A. It is. I am not certain.

49. Q. Have you not stated that it was the day before election?—A. I have not.

50. Q. You have stated what you did not believe; now state what you do believe could have induced him so quickly to not only vote for Mason, but to go so far as to publicly peddle tickets for him, and ask others during the entire day to vote for him, making the success of Mr. Mason a specialty of his day's work.—A. I would sooner think it was the influence of friends rather than that he was bribed. Do not believe he could be bribed.

51. Q. Had you, on the morning of election, heard an interview between him and Eli Barber, a special friend of Judge Mason, in which



Mr. Barber says, "Why don't you go to work for Mason?" And Risley replied, "I never shall work for Mason without pay," and knowing what you have already testified to, and soon thereafter he had gone to work for Mason, what would you then say as to your belief?

(Objected to; further assumes a state of facts not proven.)

A. I consider that an improper question. I did not see Mr. Risley. How can I tell what I would have thought. I decline to answer further.  
M. Z. WEDGE.

Subscribed and sworn before me April 10, 1879.

S. E. SCRANTON, Jr.,

*Notary Public for Madison County, New York.*

Stipulation between Joseph Mason and Sebastian Duffy, by their several attorneys offered and received, and is next hereafter attached.

UNITED STATES OF AMERICA:

In the matter of the contested election of Joseph Mason, Representative elect to the Forty-sixth Congress from the twenty-fourth Congressional district, State of New York:

It is hereby stipulated and agreed by and between Sebastian Duffy and Joseph Mason, contestee, through their respective attorneys that all affirmative evidence heretofore given or which may hereafter be given be, and remain in this contest as a part of contestant's case, and that contestee, in consideration of this consent and stipulation on his part, have sufficient time after the expiration of the statutory limit of ninety days in which to give evidence in answer to such new matter so put in evidence to the end that simple and exact justice be done to all parties, and that contestant have reasonable time to put in evidence in rebuttal only to such evidence as the contestee may give after said ninety days shall have expired.

That due and proper notice as to the time, place, names, and residence of witnesses, as well as the officer before whom such depositions are noticed to be taken, shall be served upon the respective parties in conformity with the rules and practice in such case. It is further stipulated and agreed by the respective parties the taking of further depositions in the county of Madison be suspended at the close of the ninety days, named in the statute April 15, and that no further depositions be taken in Madison County thereafter till after April 27, 1879. Notice may be served prior to that day.

Dated April 10, 1879.

S. D. WHITE,

*Attorney for Duffy.*

JOHN J. LAMOREE,

*Attorney for Joseph Mason, Onezago County.*

D. N. WELLINGTON,

*Attorney for Joseph Mason for Madison County.*

*Deposition of Edward Lamb.*

EDWARD LAMB, a witness called and duly sworn April 10, 1879.

(Objection made that notice was served as to this witness April 8, at 9 p. m., for taking the depositions April 12, 1879, at 9 p. m.; the objection is that five days' notice is not given; no objection is made that he is sworn to-day instead of April 12, 1879.)

1. Question. Do you know and are you well acquainted with Charles Kelloway?—Answer. Yes.

2. Q. Did you see him talking with a person near Woodruff's store?—A. I heard him talking with a person near Woodruff's store but can't say who it was.

3. Q. Did you see him on day of election?—A. Yes.

4. Q. Did you hear what he was talking about?

(Objected to; immaterial and incompetent. Objection overruled Underhill dissenting.)

A. I could not say.

5. Q. Did he speak to you soon after?—A. Yes.

6. Q. What did he say?

(Same objection. Same ruling.)

A. He said stamps is what talks, and that is what I am after.

7. Q. What further?—A. Nothing further.

8. Q. Who was he at work for that day as you understood?—A. For Mr. Mason.

9. Q. Did you see him almost daily during last fall's campaign?—A. Yes, sir.

10. Q. When was the first that you learned that he was to support Mason?—A. I think it was on election day.

11. Q. Had you frequently that fall heard him express opposition to Mason?

(Same objection. Same ruling.)

A. Yes, sir.

12. Q. What reason did he give for his opposition to him besides the first that he (Kelloway) was a Greenbacker?—A. I don't know as I ever heard him say what his objections were.

13. Q. Testimony has been given that he was opposed to Mason personally because of treatment which he regarded as improper by Mr. Mason in relation to his house; did you hear him give reasons of that kind?

(Same objections. Same ruling.)

A. Can't say that I have.

Cross examined:

14. Q. Who was the person you heard Kelloway talking with?—A. I cannot say.

15. Q. Do you know whether it was a voter or not?—A. No; I do not.

16. Q. Do you know whether it was a young or an old man?—A. I do not.

17. Q. Do you know whether it was a tall or a short man?—A. I do not.

18. Q. Do you know whether it was a large or a small man?—A. I do not.

19. Q. Do you know whether it was a man or a woman?—A. I should say it was a man, from the voice.

20. Q. Did you hear a word that was said?—A. I don't remember any word that was said.

21. Q. Do you know what that interview had reference to?—A. I can't say as I do.

22. Q. Who were present with Kelloway?—A. I cannot say; I did not stand where I could see the person Kelloway was talking with.

23. Q. Where do you say they were standing?—A. In front of Woodruff's store.

24. Q. Where were you standing?—A. In Thompson's harness-shop door.

25. Q. What time was it ?—A. About 3 p. m.; might have varied a half hour either way. It might more and might not; I don't think it could have varied more than three-quarters of an hour either way.

26. Q. Will you swear that Charles Kelloway was outside of Tripp's Hall between the hours of two and four on that day ?—A. Yes, sir; I think I can.

27. Q. You do swear, do you ?—A. Yes.

28. Q. Do you know of any other person who saw him but you ?—A. I don't know as I do, but there were probably others.

29. Q. Did you speak with Kelloway ?—A. No, sir; he spoke to me.

30. Q. Give his exact words and all of them.—A. He said, "Stamps talk and that is what I am after." That is all I heard him say. He passed right along on the cross-walk; can't say as he stopped to talk.

31. Q. Then he was walking all the while ?—A. Yes.

32. Q. In what direction ?—A. East toward Randolph's corner.

33. Q. Do you know that he was not going after "stamps" ?—A. I don't know as I do.

34. Q. You did not understand that he had got them ?—A. I don't know whether he had got them or was after them.

35. Q. Did you tell anybody about it ?—A. I don't remember of telling anybody, but still I might.

36. Q. You don't recollect of telling any one ?—A. I can't say whether I did or not. I have within a week.

37. Q. That was Counselor White, I suppose ?—A. He for one.

38. Q. Who else ?—A. William Kelloway. I can't say positively who else.

39. Q. Who was the first one you remember telling it to ?—A. I can't state positively, but I think William Kelloway; I might have told others before him.

40. Q. Have you not been up in White's office ?—A. Not lately; not since five or six weeks ago or longer, I think.

41. Q. Were you up there when we were taking testimony in February ?—A. I think it was before that; I don't think I was up there while you were taking testimony.

42. Q. Are you a married man ?—A. Yes; have a wife and boy.

43. Q. What is your age ?—A. Twenty-six years old.

44. Q. Your weight ?—A. From 165 to 170 pounds.

45. Q. Have you had any physical disabilities in ten years ?—A. No.

46. Q. Where is your wife and child ?—A. I decline to answer any questions on that matter.

47. Q. Is not your wife and child in Madison County poor-house ?—A. No, sir.

48. Q. Have you been arrested ?—A. I don't know as it's any of your business.

49. Q. Have you been arrested ?—A. I decline to answer.

50. Q. Have you been put under bonds for the support of your family ?—A. I decline to answer.

51. Q. Are you under bonds at this time to support your wife and child ?—A. No, sir.

52. Q. Have you ever been arrested more than once ?—A. I decline to answer all such questions.

53. Q. Of all the persons present can you name one whom you candidly believe would believe you under oath, Counselor White included ?—A. Under advice of counsel I decline to answer any more such questions.

EDWARD LAMB.

Subscribed and sworn before me this 10th day April, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

Exhibit offered in evidence dated October 26, 1878, being a subscription-list signed by H. H. Keith and others. Received in evidence.

(Objected to as immaterial. Incompetent for the reason the name has not been sufficiently proven, and it is apparent on its face that the names of Charles Kelloway and J. W. Rowlands were written by the same hand, and it already appears that whether Kelloway signed it or not he repudiated the obligation as well as the party.

Objection overruled. Underhill dissents.)

Paper received and marked Exhibit "A."

#### CONTESTANT'S EXHIBIT "A."

'We, the undersigned, hereby agree to pay the sums set opposite our respective names for the purpose of defraying the expenses of the National Greenback Club of Hamilton.

Dated Hamilton, N. Y., October 26th, 1878.

<i>Names.</i>		
H. H. Keith .....		\$
Charles Kelloway .....		50
J. W. Rowlands .....		50
A. Dart [paid] .....		50
J. E. Wedge [paid] .....		1 00
A. V. Bardeen [paid] .....		1 00
Francis Kennedy [paid] .....		1 00
C. F. Nash .....		1 00
J. M. Gray [paid] .....		1 00
Terence Kennedy [paid] .....		25

#### *Deposition of Eugene F. Grosvenor.*

EUGENE F. GROSVENOR, a witness produced and sworn, testifies as follows:

(Objection made as to insufficiency of notice, five days' time not having been given between date of service of notice and the time said witness was noticed to be examined, said notice having been served April 4. 9.30 p. m., to be examined April 7, 9 a. m.)

1. Question. What is your age?—Answer. Thirty years.

2. Q. Occupation?—A. Hardware.

3. Q. Do you know E. D. Van Slyck, the editor of Democratic Republican newspaper of this place?—A. Yes.

4. Q. Is he a Republican in politics?—A. Yes.

5. Q. And do you understand that he supported Mr. Mason?

(Objected to as immaterial and incompetent. Objection overruled. Underhill dissents.)

A. Yes, sir.

6. Q. Did you have a conversation with him some time after election in regard to Mason's money? If so, state it.

(Same objections and rulings.)

A. I did. He said after some conversation that the editors in this county and Oswego County received a present from Judge Mason irrespective of parties.

7. Q. How much did he say each received from Judge Mason?

(Same objections and rulings.)

A. He said from \$20 to \$100.

8. Q. How much did he say he got?—A. He did not state.

9. Q. What further was said.

(Same objections and rulings.)

A. He reckoned up and said he thought it took about \$2,000, paid to editors.

10. Q. What further was said and done?—A. That was about the sum and substance of it.

Cross-examined:

11. Q. You are not able, I suppose, to give the exact language of Mr. Van Slyck?—A. I gave it as nearly as I remember it now.

12. Q. Are you sure you remember it correctly?—A. I think I am.

13. Q. Do you know of any wrong attaching to a gift to a country editor, if any were ever made?—A. No.

14. Q. Do you say that Van Slyck told you that Mr. Mason had been giving money to the Democratic and Greenback organs in this district?—A. He said to editors of every paper in counties of Oswego and Madison.

15. Q. Did you the very moment that he said know better than to believe such a thing?—A. I saw no reason to doubt his words.

16. Q. Those papers stoutly opposed him—Democratic and Greenback papers?—A. I cannot tell.

17. Q. Do you know of one who did not?—A. I do not. I don't know anything about it.

18. Q. Do you believe there was one?—A. I answer, I cannot tell you.

19. Q. Did you vote for Judge Mason?—A. That is my business.

20. Q. Are you a Republican?—A. Yes, sir.

21. Q. Not very friendly to Judge Mason?—A. Yes.

22. Q. If you are a friend of his, I will ask you again if you voted or supported him for Congress?—A. I decline to answer.

Adjourned to 9 a. m., April 11.

FRIDAY, April 11, 1879—9 a. m.

Cross-examination of E. F. GROSVENOR resumed:

23. Question. Was you favorable to Judge Mason's nomination?—Answer. Yes.

24. Q. Were you favorable to his election?—A. It is a hard question to answer.

25. Q. When was this conversation with Van Slyck?—A. I can't state.

26. Q. Who was present beside yourself and Van Slyck?—A. Not any one.

27. Q. Who commenced the conversation?—A. I can't tell you.

28. Q. Did you understand him to say that each of the Democratic and Greenback papers of this Congressional district received a present?—A. Yes; I so understood it.

29. Q. How many Democratic papers are there in this county?—A. I can't tell you.

30. Q. You know, do you not, of the Madison Observer, published at Morrisville, and the Democratic Union, published at Oneida?—A. Yes.

31. Q. Did you understand them both to be Democratic papers?—A. The Democratic Union is. I don't understand about the Observer.

32. Q. Do you know of any other Democratic papers in this county?—A. I don't think of any now.

33. Q. Did you not understand that the Democratic Union is the most active political Democratic paper in this county?—A. Yes.

34. Q. Do you not understand that that paper opposed the election of Mr. Mason and supported Mr. Duffy?—A. I understood they were against Mr. Mason politically, it being a Democratic paper; but as to supporting Mr. Duffy, I don't know.

35. Q. Do you know or have you ever learned of any Democratic or Greenback paper in this Congressional district that favored or advocated in any manner the election of Judge Mason?—A. I don't think I do, and I don't remember of ever hearing of it.

36. Q. Do you know of any Greenback paper published in the county of Madison during the last political campaign?—A. No.

37. Q. Have you told all Mr. Van Slyck said about the payment of the editors?—A. No, sir.

38. Q. Did you state last night that you had?—A. Not that I know of.

39. Q. Did he say how much Mr. Mason gave to any particular paper or editor?—A. No, sir.

Redirect examination:

40. Q. I understood you to say, though it is not recorded, that you do remember of something more Mr. Van Slyck said; please state what further you now remember that he said.

(Same objections. Same rulings.)

A. I decline to answer.

41. Q. I take it that you do not decline to answer because the answer would tend to compromise yourself; am I right?—A. You are right.

(Contestee's counsel request the witness to answer in full.)

42. Q. Please state what further Mr. Van Slyck said upon that subject.—A. I decline to answer now.

43. Q. For what reason do you decline to answer?—A. I don't know that I have any reason to give.

44. Q. Do you decline to answer under the advice of counsel?—A. No, sir.

45. Q. I ask you again to state what further Mr. Van Slyck said bearing upon the subject of Mr. Mason's election, contestant claiming that you have no right to refuse to answer.—A. I don't know that I could give the exact words he said. The substance was, that with his assessments it must have cost him a good deal of money.

46. Q. What did he say his assessments were?

(Same objections. Same rulings.)

A. I don't think he told.

47. Q. Did he aggregate this amount which it had cost him for election?—A. I think not.

48. Q. Did he make any estimate of the total?—A. I don't think he did.

49. Q. What further did he say at that interview upon that subject?

(Same objections. Same rulings.)

A. I don't think of anything.

50. Q. Did you have any conversation with him, after that one, upon that subject?—A. Not that I remember of.

51. Q. Did you hear him make any statements to others?

(Same objections. Same rulings.)

A. I don't remember now that I did.

52. Q. I desire you to restate that conversation between you and him relating to presents to editors, stating fully where the interview was, the occasion of it, and all that was said by you and him, giving it in its order, minutely and in detail.

(Same objections. Witness has already stated all, when, and where it took place. Same ruling.)

A. Can't say the month or day; I think it was the second week after election; might have been first or third; it was in my store, very soon after dinner, I think; no one present but him and myself. He came in to borrow \$40, and did borrow it. I can't say whether there was anybody in there who started the conversation jokingly or in earnest or not, or whether he started it, or I. I can't say how it was introduced. He said that every editor received a present, from \$20 to \$100, irrespective of party. I can't say what I said or what he asked me. He said that with his assessments it must have cost him pretty well. He stated that the total of the presents by Mr. Mason was something or about \$2,000. I don't remember of anything further now.

53. Q. Let me refresh you. Was there not something said, either then or some other time, about the \$1,500 which had been sent to Oswego?—A. I can't state when the time was, but I think it was this time that he spoke about it.

54. Q. Spoke about what?—A. The \$1,500 sent to Oswego.

55. Q. What did he say about it?—A. I can't repeat the words he used.

56. Q. If you cannot give the words he used about the \$1,500 sent to Oswego, give the substance.—A. The substance was that it was the rumor or report that he sent \$1,500 to Oswego.

57. Q. Who do you mean by he?—A. He was referring to Judge Mason in his conversation.

58. Q. When did you understand from him that Mason had sent the \$1,500 to Oswego, before or after election?

(Same objections, and further if the witness says anything, should give what he said and not understanding. Same ruling.)

A. I don't know, of course.

59. Q. What you understood?—A. That would be a hard question to answer, because I don't know.

60. Q. Did you understand that the assessments spoken of by him were assessments made upon him as a candidate by the different committees?—A. Yes, sir.

61. Q. And do you not understand that those assessments are made quite early in campaigns?

(Same objections. Same rulings.)

A. I suppose they were.

62. Q. Did you understand that those presents were made before election? If not so, state, if you can conceive of any reason, why Mr. Mason should have made such presents, especially to Democratic and Greenback editors, after election.

(Objected to; incompetent, and witness can only state what he knows. Same rulings.)

A. I understood it as he stated it.

63. Q. Can you conceive of any reason why Mr. Mason should have made presents to editors, including Democratic and Greenback as well as Republican, after election, if he had not promised such presents before?

(Same objections; and further, not proven. Same rulings.)

A. No.

64. Q. Can you conceive of any reason why he should have sent \$1,500 to the city of Oswego after election?

(Same objection. Same rulings.)

A. I don't know as it made any difference whether it was before or after election.

65. Q. What could he have sent or taken it there for after election, if it had relation to disbursements to aid him in getting his election?

(Same objections. Same rulings.)

A. I would not suppose he would have sent it after election.

66. Q. Then, as I understand you, the assessments made upon him, and the \$2,000 paid in buying and bribing editors, and the \$1,500 sent to the city of Oswego, were disbursements made, as you understood, before election in and thereof. Am I right?

(Objected as before. Same ruling.)

A. I think you are.

67. Q. Do you know how much those assessments were?—A. No, sir.

68. Q. Have you not heard that he was assessed by the committees \$500, but that he voluntarily paid \$1,000?—A. No, sir; I don't think I have.

Recross-examination:

69. Q. You have no knowledge, have you, that Judge Mason ever made a present to either of the editors in this Congressional district?—A. No.

70. Q. And I assume that Mr. Van Slyck did not tell you why he thought the presents had been made; am I correct?—A. Yes.

71. Q. And you do not know that he had any knowledge that such presents had been made?—A. No.

72. Q. You have no knowledge as to the amount of the assessments of Judge Mason made by the committees?—A. No, sir.

73. Q. And you have no knowledge that Judge Mason ever sent \$1,500 or any other sum to the city of Oswego to be used for election purposes?—A. No.

74. Q. What Mr. Van Slyck said, as I understood you, was that it was rumored or reported that \$1,500 had been sent into Oswego City?—A. Yes.

75. Q. He did not tell you, as I understand, why it was rumored that such money was sent, or from what source that rumor came?—A. No.

76. Q. And do you know who started that false rumor and report?—A. I don't know who started the report.

77. Q. And you have no knowledge as to the original source of that rumor?—A. No, sir.

78. Q. And you have no knowledge as to its truth or its falsity?—A. No.

79. Q. If Mr. White, contestant's counsel, attaches any importance to the rumor that Mr. Mason gave from \$20 to \$100 to each of the editors in this district, can you conceive of any reason, if he is desirous to know the truth, why he does not call some of those editors to prove what the fact is, or whether that rumor is true or false?—A. No.

80. Q. I asked you just before the redirect examination this question: "Have you told all that Mr. Van Slyck said about payment to editors?" Did you understand that question fully, or did you understand me to mean, if you had told all Mr. Van Slyck said upon any subject?—A. I understood you to ask if that was all he said about the payments to editors at that time, and I said it was all I could think of. This answer is the one I desire to make to that question.

81. Q. The counsel for contestant asked you this question: "Then, as I understand you, the assessments made upon him and the \$2,000 paid in bribing editors, and the \$1,500 sent to the city of Oswego, were disbursements made before election in aid thereof? Am I right?"



Now, do you know or have you any knowledge, that such sum, or any money, was used to bribe or buy editors, or to defray the disbursements made before election in aid thereof?—A. No.

Relying upon the unanimous report of committee presented by Hon. John T. Harris, chairman of Committee on Elections, April 12, 1876, in *Cox vs. Strait*, Second Congressional District of Minnesota, upon the question of an unfounded rumor, at page 428 of Digest of Election Cases, paragraph 6, on page 436, we forego further cross-examination.

Redirect :

82. Q. You have stated that you know of no reason why contestant does not call these editors ; is it not your judgment, founded upon experience, that a man who will sell his vote or influence or commit any other crime will usually deny it, or, in other words, that men charged with crime usually plead not guilty.

(Same objections and rulings.)

A. Yes, sir.

83. Q. Did you not understand that Mr. Van Slyck spoke of the presents to editors as a fact instead of rumor?—A. He stated it to me as a fact.

84. Q. I understood you to say last evening that he spoke of it in a way which made you believe it, or that you had no reason to doubt his sincerity. Did you so state?—A. I will state so now.

85. Q. You understood, did you not, that the \$2,000 and the \$1,500 were independent of each other and both independent of his assessments?—A. That is the way I understood him.

(Contestant here states that, relying upon the fact that these are not unfounded rumors as spoken of in the above report, but, on the contrary, are established by sufficient, positive, as well as circumstantial evidence, he will not further examine this witness.)

Recross :

86. Q. I understand that you do not know, and Mr. Van Slyck did not say, whether it was a fact or whether he heard it as a rumor and intended you to so understand it, that these presents had been made to the editors?—A. He merely told me, and you can draw your own conclusions.

87. Q. From your own knowledge, and independent of what Van Slyck said, have you any reason to believe or disbelieve the statement made by Mr. Van Slyck concerning the gift to the editor?

(Objected to on the ground that witness has answered that he did believe what Mr. Van Slyck said. Same ruling.)

A. No, sir.

Redirect :

88. Q. Have you any reason to doubt Mr. Van Slyck's honesty or sincerity in saying what he did?

(Objected to ; been asked and answered. Same ruling.)

A. No, sir.

E. F. GROSVENOR.

Subscribed and sworn before me April 11, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, New York.

*Deposition of A. N. Sheldon.*

APRIL 11, 1.30 P. M., 1879.

A. N. SHELTON, sworn, testifies as follows:

1. Question. Where do you reside?—Answer. Village of Hamilton, Madison County, New York.

2. Q. How long have you resided here?—A. Since July, 1845.

3. Q. Have you been a practicing lawyer here during that period?—A. Yes, sir.

4. Q. What are your politics?—A. It is difficult to define. Since the organization of the Republican party I have acted with that body, because it more nearly represented my views than any other political organization.

5. Q. Do you know E. D. Van Slyck, the editor of the Democratic Republican, a paper printed in this village?—A. Yes; I am personally acquainted with him.

6. Q. Do you understand him to be a Republican?—A. He has acted with the Republican organization, and has published a political paper supporting the Republican party.

7. Q. He testified in this case to an interview that Mr. Mason, himself, and you had relating to the wisdom or policy of Mason's nomination. I wish you to state how, if you know, that interview came to be had, and to state fully the interview itself.

(Objected to as incompetent and immaterial; the question assumes something not proven. Same ruling.)

A. In answer to the question, I say I know nothing in regard to what Mr. Van Slyck testified to. Neither do I know anything in regard to an interview between the persons named in the question in relation to the policy or wisdom of Mr. Mason's nomination for any office.

8. Q. Do you remember of having an interview or conversation with them shortly before Mr. Mason's nomination.

(Same objections. Same rulings.)

A. I had a good many conversations with Mr. Van Slyck and a good many with Mr. Mason before Mr. Mason was nominated for Congress, if that is the nomination to which the question refers, and I have had conversations with them prior to that time.

9. Q. State any conversation which you had with them prior to that time in which the question of Mason's nomination was spoken of.

(Same objections. Same rulings.)

A. I never had any conversation with them relating to that subject, but we had a conversation together in which that subject was an incident.

10. Q. State it, please.

(Same objections. Same rulings.)

A. I cannot state it.

11. Q. State such parts as you can.

(Same objections. Same rulings.)

A. I cannot give the language of but a very little part of it, if of any.

12. Q. If you can of any, please do so.

A. I will not undertake to give the language of any, but possibly I might; but I could not say it was the language.

13. Q. State the substance of it, so far as you can.

(Same objections. Same rulings.)

A. My best recollection of it is: Mr. Mason and me walked into his room together, and we said good evening around. I think I said to Mr. Van Slyck: "Mr. Mason is looking over the ground, and considering

whether, under all the circumstances, he will be a candidate for Congress. I have thought the matter over, and I think we ought to support Mr. Mason if he determines to be a candidate. I think he is as good a man as we have got, and it seems to be the general expectation that he is to be the candidate, and I think it is due to Mr. Mason that we should support him in this town, and that we ought to say so to him. We all know there are some discordant elements here in this town; but there would be no opposition to him that would amount to anything unless we (meaning Mr. Van Slyck and myself) should organize it or head it, and I don't want to do that, and I don't think you do. For myself, I shall not give Mr. Mason any trouble in town, and I make no promises what I will do for him, as I never make any such promises; but he will know when the caucus is over whether I have been any help to him or not. It is generally understood, Mr. Van Slyck, with how little truth it is not now necessary to state, that you and I have acted together somewhat politically. I say to you now, here, that if Mr. Mason wants the delegates from this town for Congress, I am for his having them, and I would like to have you, if you see fit to do so, to stand with us." And that is the substance of my introduction of the matter.

Mr. Van Slyck sat a minute or two with his pencils in his hands thinking, making marks on paper, like this  $\equiv$ . When Mr. Van Slyck spoke up very abruptly to Mr. Mason and said, "There are 30 Republicans in the village who say they will not vote for you," I replied and said "Well, why? They may say so now, but when the time comes they will. You can't find any man of any force of character like Mr. Mason with whom everybody will be pleased. There is no good reason why the Republicans of Hamilton should not support him unanimously, and when the matter is talked up they will do it, too. I understand the talk and causes which produced the talk just as well as you do, Mr. Van Slyck, and many of the reasons given for it is rather an honor to the man than an objection to him. I know they say he has not popular elements in him, but this I know, that he is not a demagogue, and that goes a good ways with me in this county where we have got so much of it. Mr. Van Slyck replied and said this to me: "If you and I should go in for Mr. Mason, of course we could influence any opposition, and he would not have any serious trouble;" and I said, "He would not have any serious trouble any way. All these men who are talking have no element of adhesion among themselves, and when the ground upon which they stand is criticised they cannot stand upon it." Mr. Van Slyck said, "Well, I don't know, some of them are pretty bitter." Mr. Mason then spoke and said, "Every man has his enemies, and it is not to be expected that a man who has lived here as long as I have and had so many business transactions and has practised law but what would have some enemies and offended some persons. You know, Mr. Sheldon, that when you was nominated you encountered the same thing, but it did not amount to anything, and it won't now if I am." I said, "I don't want to talk about that, for I always employ my time for the benefit of my friends and let my enemies go to the devil, but if you say you want the delegation from this town I don't believe but what you would get it almost unanimously, and no one is going in to make any opposition, and these men to whom Mr. Van Slyck has referred will all fall in in harmony, and I don't think that when Oswego County expects the nomination of Mr. Mason that he should be put to any trouble or opposition from his own town, for there is no element of strength in this opposition to which you have referred." Mr. Van Slyck said, "Well, it may be so;" and I can't state his language further, but the

idea I got was Mr. Mason was not his first choice, but he signified his intention to do as the rest did; that if the Republicans thought best to nominate Mr. Mason that he should support him and do all he could for him; that he had no personal feeling about the matter; that he had his friends and preferences; and looking at me and addressing his conversation to me; I said, "Mr. Van Slyck, I do not want to go to Congress this fall, and I would not accept a unanimous nomination from any party for that office, and when I say that I mean it, because I have had tendered to me during the past year and a half unsolicited, by letter and in personal conversation, sufficient of the Republican strength of the county to give me the delegations if I were to go in and try to get them; and however I may be mistaken about that, yet I believe it, and believing it I say to you truly that at this time I do not want and would not accept that nomination, and as townsman here with Mr. Mason I think we ought to sustain him. Mr. Van Slyck then said, "Well, if Mr. Mason is the man, I would as soon support him as anybody. I only referred to what I had heard around town to see what you would say about it." I replied in this wise: "Well, Van Slyck, I don't like to talk about a man before his face; Mr. Mason has been out of health, but abating that, you know that he is a man of more ability and solidity of character than any other man whom we can probably nominate in the district this fall, and, Van, I guess we must stand by him." Van said, "Well, all right"; then the conversation drifted off upon the condition and political aspect of the district, and with that the conversation terminated. I have given this so much in detail because the question seemed to demand it.

14. Q. Did you, during the canvass, or afterwards, hear Mr. Van Slyck say anything about Mr. Mason paying him and other editors of the district money? If so, state what he said.

(Same objections and rulings.)

A. I do not know that I ever heard Mr. Van Slyck say what other editors of the county or district got of Mr. Mason or any other person.

15. Q. Did you hear him say that he got anything himself from Mr. Mason?

(Same objections; same rulings.)

A. If I have to answer that question categorically, I must say yes and no, because Mr. Van Slyck's language was equivocal.

16. Q. Please state what he did say, giving the equivocal and unequivocal part thereof.

(Same objections and rulings.)

A. There was an article published in the Republican, of which Mr. Van Slyck is the editor, which was in praise of Mr. Mason and in aid of his election. I read it at my house and immediately started for my office, and in so doing passed Mr. Van Slyck's office; I called in at the door and said in a joking, blackguard way to Mr. Van Slyck, "Who wrote that article, Van, on the judge?" He ahemmed and laughed, and did not answer; I said, "Well, how much does it cost a fellow to get such a thing into your paper any way; we outsiders this fall want to know; you may think it is none of our business, but it will be when our turn comes." He said in substance, and I think I can give the language, "You can get most anything into a paper now for \$50." "Well," said I, "did you get \$50 out of the judge for that?" and he made an equivocal reply, something like this: "You bet," and put his hand in his pocket and shook his pocket. I said, "Well, I will see about that, Van Slyck," and went out. Shortly I returned to the office and said to Mr. Van Slyck, "Did you mean that I should understand

that you got \$50 out of Judge Mason for that article?" Mr. Van Slyck said, "I got \$50, but not for that article, and I suppose it came from the county committee, and of course the larger part of it was Mr. Mason's money, because they assessed him more than anybody else." That was all that was said then. Subsequently the same subject came up, but I can't tell how, but not by introduction, in which he claimed he had not got much of anything from the county committee; so I was left just where my evidence leaves it—in the dark on the whole matter.

17. Q. Before the election did you hear Mr. Van Slyck say anything about \$1,500 being taken or sent to Oswego City?

(Same objection and same ruling.)

A. I heard him say that something of that kind was afloat, but I can't tell what it was; I recollect telling him if there was any truth in it he would be as apt to know it as anybody; he said he did not believe it; he did not believe Judge Mason would give \$1,500 to save his election; and I asked him why, and he said Mason was too tight with his money. This was before the election. Yes, I do remember one other remark he made; he said, "The Democrats can't make anything out of that."

18. Q. About how many days would you say this was before the election?—A. I cannot tell, but at a venture I should say 10 days or a fortnight.

19. Q. After the election, did you hear him say anything about whether Mr. Mason had used money to gain his election?

(Same objections. Same rulings.)

A. Yes, sir.

20. Q. What?—A. I cannot make it sensible without telling what I said in connection with what he said.

21. Q. Then tell what you both said.—A. I was in at Mr. Van Slyck's room, and I said to him, "It is reported that the judge's majority in this county is cut down to 7, and they are trying to wipe that out, and if the Democrats could wipe that out and carry the county against him they would feel quite content, for a large share of them in this county would quite as soon have the judge in Congress as Duffy, for the judge has got quite a heavy Democratic vote in this county, and yet his majority is cut down to a few votes; and it shows to me that a candidate has up-hill business when he tries to beat two parties; and they pretend around that it has cost the judge a good deal of money and he has had to travel and send men over this large district to keep posted upon the condition of the canvass, and I should not be surprised if the judge was out his salary, and I think that if he and Duffy had staid right at home and done nothing that the result would have been as favorable to Judge Mason as it is at any rate. Duffy's foolish speeches against the banks has lost him a great many Democratic votes, and the result shows the judge has lost some Republican votes, else the majority could not be cut down so small; and I guess that all the money that Mason and Duffy spent has not done much to change the result." Mr. Van Slyck said this: "I don't know how much it has cost Duffy, but I do know that every single cent that Judge Mason has paid out will make it considerable less than \$2,000." I said, "If you say you know, Van Slyck, I have nothing further to say; but this I know for myself, I could not have ran for Congress in this district this fall without the legitimate use of more than \$2,000, and I believe it has cost Judge Mason more than that." Van Slyck said, "It has not cost him over \$2,000." That is all I remember.

## Cross-examination:

22. Q. At the interview in Mr. Van Slyck's room between yourself, Judge Mason, and Mr. Van Slyck, of which you have spoken, concerning Mr. Mason's candidacy and the advisability thereof, did Judge Mason do any improper act or say or suggest anything concerning his candidacy that was not strictly legitimate, honest, and honorable?—A. I answer by covering that time and all others, by saying that I often saw Judge Mason during the canvass, after his nomination, talked with him about it, the probabilities of the result, the management of the Republican side of the question, what his antagonists were doing, and what he and his friends were doing, and he has never said, proposed, suggested, or intimated an unmanly or dishonorable word, deed, or purpose in connection with the whole thing to me.

23. Q. At that interview of which you have spoken, between you three gentlemen, was there any promise or inducement of any kind made or held out by Judge Mason to Mr. Van Slyck for his support of Judge Mason in any manner whatever?—A. At that interview between said two gentlemen and myself nothing alluded to in the question was said, alluded to, or intimated in any form whatever.

24. Q. About how long was that before Judge Mason's nomination?—A. I cannot say, but it was before he had fully determined whether he would be a candidate; but I understood that Mr. Cameron was here, and on that day he did determine to be a candidate and so telegraphed Mr. Cameron. I think it must have been from a week to ten days before our town caucus.

25. Q. At your town caucus Judge Mason was favored, was he not, with a solid delegation from his town, and that without opposition?—A. Yes.

26. Q. From the time Judge Mason talked of being a candidate for that office, did you ever know of his receiving any opposition from Mr. Van Slyck's paper?—A. I really do not know how to answer that question. There was an article or two in Mr. Van Slyck's paper which a shrewd politician, capable of going beneath the popular thought and touching the springs of political actions in this county, might have used to injure the prospects of Judge Mason, but whether any article was written or published with that design I am unable to say.

27. Q. Were the articles to which you refer published before the interview between yourself, Judge Mason, and Van Slyck?—A. I cannot state positively, but I think they were after.

28. Q. And from those articles and your interview, I understand that you inferred that Mr. Mason was not Mr. Van Slyck's first choice, but still Mr. Van Slyck had no particular objections to his nomination; am I correct?—A. You are. With the additional fact that I had other means of knowing Mr. Van Slyck's position from other facts the question does not allude.

29. Q. Did not Mr. Van Slyck through his paper support Judge Mason during the campaign?—A. After Mr. Mason's nomination Mr. Van Slyck's paper gave the judge a loyal support, although I sometimes thought it lacked a little warmth.

30. Q. How long after Judge Mason's nomination was it that you saw the article speaking in favor of Judge Mason, to which you have referred, in Van Slyck's paper?—A. I don't know as I can make it any more certain as to time—week or so after his nomination.

31. Q. After this interview in Van Slyck's office, you know of no opposition on his part to Judge Mason's receiving a delegation from this

town?—A. No; not on the part of Mr. Van Slyck personally or his paper, with the exception to which I have referred.

32. Q. During the campaign, did not Judge Mason at different times talk with you concerning his canvass?—A. Yes, sir.

33. Q. And notwithstanding that fact, that you never heard him make any statement or suggestion tending to show an improper or illegitimate canvass on his part?—A. No, sir; and I should have been surprised to have heard any such suggestion from him.

34. Q. When Mr. Van Slyck said to you, in substance, "You can get most any article in a newspaper for \$50," I understood you that you had addressed yourself to him in a laughing and joking manner; and did you not understand that remark made by him to have been also made in a joking manner?—A. The fact about that is, I have been accustomed for a long time to hector, pester, and annoy and blackguard Van Slyck about articles in his paper until he had become a little sensitive and peevish, and I went in that morning in a joking and blackguarding way and asked him that question, and he replied as I have stated, and I supposed with intent to give me as good as I sent; but being at a loss as to what his intent might be, I recurred to the subject again, as I stated. I can't tell how soon I went again; might have been same day or next morning.

35. Q. And then you asked him if he did receive \$50 from Judge Mason for that article, and he said he did not. Is that true?—A. As I have said, I cannot give the language, but the substance was that I asked him if he intended that I should understand that he had got \$50 from Mason, and he said in substance that the \$50 came from county committee, as he supposed, and most of that was Judge Mason's money, because he was assessed the most of any candidate.

36. Q. Is it not true, as you know or understand, that during the political campaigns Mr. Van Slyck has printed and furnished bills, notices, and posters of meetings, ballots, pasters, and other papers legitimately used by the Republican party, and that at the request of the county committee?—A. I cannot speak in response to that part of the question which relates to that part of the county committee of the last campaign. This I do know, that for a great number of years a large amount of service has been done at this printing office of other campaigns of the character of the one you have named, for overissues of papers for distribution, and for other purposes, and that the paper has been paid for it. I have served on county committee and paid such expenses to newspaper offices in our county as a candidate. I have been assessed and paid for that purpose. It has always been regarded as legitimate, and I have never known of a political party that did not do the same thing with its political paper.

37. Q. And do you know that Mr. Van Slyck did not do like service by printing and furnishing documents during the last campaign?—A. I knew that he did the ordinary campaign service at last election. I saw bills, notices, and other campaign work, including tickets, &c.

38. Q. And do you know whatever money, if any, was paid by the county committee, during the last campaign, to Mr. Van Slyck was not paid him for printing and legitimate work of the kind to which you have referred done by him?—A. I do not know that Mr. Van Slyck received a cent or any sum from any person or source for campaign work performed during the last campaign, but I do know that \$50 would be a meager compensation for the campaign work performed.

39. Q. I understood you to say that in one conversation had with Mr. Van Slyck, after election, in substance, that a large number of Democrats

in this county would quite as soon see Judge Mason as Mr. Duffy in Congress; was that your judgment from your observation and what you heard said?—A. I know this county familiarly, and its political men of all parties, and I know the fact just as well as any man can know such a fact, that the substantial men of Democratic party at heart preferred Judge Mason to Mr. Duffy. The older members of the Democratic party in this county, who were active men twenty-five years ago, and with whom I acted as a Democrat, got their education upon finance from the teachings of old Thomas Benton, and they could not go Mr. Duffy's wild theories and hobbies on that subject; and while they disliked Judge Mason because he was now a Republican, and remembered with some feeling that years ago he left them, still they adhered to their principles, which were better represented in Mr. Mason than Duffy, and while they were in a quiet way aiding Mr. Mason, and they finally voted for him, and to no inconsiderable extent.

40. Q. What is your age?—A. Fifty-six years.

41. Q. Have you held positions or offices given you by the people? If so, name them, please.—A. I have held a few, but the general business of my life has been student, teacher, and lawyer. I have been a loan commissioner in this county, district attorney of the county, and member of the assembly from this district in 1876 and 1877.

42. Q. When Mr. Van Slyck told you that he knew that the whole expense of Mr. Mason's campaign was less than \$2,000, did he intimate or claim that Mr. Mason had used any money for corrupt or improper purposes?—A. No, sir. He said it was for legitimate expenses.

43. Q. You have spoken in regard to the report that \$1,500 had been sent to Oswego; have you any knowledge or any reason to believe from what you know that that report is true?—A. I do not know anything about it. I know of no circumstances which induces me to believe that it was sent, speaking from personal knowledge.

44. Q. Have you any fact or circumstance to lead you to believe that any of the rumors which have been put afloat concerning the corrupt use of money by Judge Mason or any of his friends are founded in fact?—A. No, nothing to my personal knowledge.

Redirect examination by S. D. WHITE:

45. Q. Did you state that you did hear before election that \$1,500 had been sent or taken to Oswego by Mr. Mason?—A. I think I did not say taken by Mason. I have stated I heard some such rumors.

46. Q. Can you state definitely how long it was before election?—A. Not very definite. Within a couple of weeks before election.

47. Q. Would you say that it was more than one week?—A. No, sir, not positively, although it would be the best of my opinion that it was.

48. Q. Did you ever seek to trace the origin of that rumor to its source?—A. I may have asked where it came from, but I don't remember of having ever done that; and further, I done nothing to trace it to its source.

49. Q. At the time were you aware of corroborating facts existing in the city of Oswego?

(Same objection. Same ruling.)

A. I have no personal knowledge—corroborative facts in the city of Oswego; and I did not at the time I heard this rumor hear of any rumor of such corroborative facts. Subsequently heard some rumors about it.

50. Q. When did you hear subsequent rumors?—A. I can't tell, but down pretty near to election.



51. Q. The rumors in relation to the use of \$1,500 in Oswego, as you understood, were corroborative of the previous rumors here, were they not?

(Same objections, and witness should speak of facts. Same ruling.)

A. That rumor seemed to be circulated as corroborative of the rumors here, but the facts of that rumor might or might not be corroborative of the other rumor—depend upon how a man construed it.

52. Q. Do you think from your personal and political affiliations or relations with Mr. Mason that if he intended to or did use money corruptly he would have been likely to have informed you of either fact?

—A. Assuming that he had done or contemplated doing any improper thing as indicated by the question, I do not think that he would have communicated to me or have brought it to my knowledge, because I think that from the long length of time he has known me he would know better than to do that.

53. Q. About what is the usual Republican majority in this county?

A. Well, at an election which brings out the full vote and everything harmonious, with a good ticket we ought to have from 2,000 to 3,000 majority in this county; that was what we used to do, and I think that is what we can do again when we can fairly reach the Republican strength of the county. We have been troubled with some isms and defections which have taken down our majorities, but I do not think the growth of the Democratic party has so materially weakened our majority. We are a strong party in this county, and it's so much more work to keep everything in tone than it would be if we had smaller majority.

54. Q. What is about the usual Republican majority in this Congressional district?—A. So far as I know, the Republican majority of Madison County approximates pretty near the majority of the district. Oswego has sometimes helped us materially, but we here have depended upon our own majorities—upon ourselves.

55. Upon a gubernatorial or Presidential election, what for the last four years has been about the average Republican majority of the respective counties?

(Same objections. Same rulings.)

A. I do not remember the majorities at last Presidential election in the two counties. The Oswego County majority at State election does not now occur to me, but Oswego is regarded as a Republican county and has given a large Republican majority. I think the majorities of the two counties have been above 3,500 in Presidential elections.

#### Recross-examination:

56. Q. During the last political campaign there was, was there not, a new party which had sprung up, known as the National or Greenback party?

(Objected to, first, as no part of a recross-examination; 2d, the fact has been amply proved and not disputed; 3d, it is a historic fact which need not be proven. Same ruling.)

A. There was such a party in the State, which had a being in this county, and I heard it talked and conceded upon all hands that it had being in Oswego County, but I was not there to know.

57. Q. Had that party ever before made any nominations in this county or in the county of Oswego, to your knowledge?—A. Not to my knowledge, except at the previous town meetings.

58. Q. Judge Mason ran against the combined force of both the Democratic and Greenback parties in this district, did he not?—A. I will answer that question by stating this fact: The Greenback party in this

county at the previous town meetings was strongest in our best Republican towns, like Georgetown and Lebanon, and of course was composed of more Republicans than Democrats. Mr. Duffy was nominated by the Greenbackers; then the Democrats indorsed him and he became the candidate of both parties. The effect of that on the result was this: All the Democrats in the Greenback party were placed right back at home in their own party, and Republican Greenbackers were swept right in with their party, so that in that operation the Democrats lost but little strength and got the aid of the Republican Greenbackers, but as between Duffy and Mason there came up another consideration that gave Mr. Mason Democratic votes but did not restore the Republican Greenbackers that got into that dilemma.

59. Q. In Madison County did not the Democratic and Greenback parties in that campaign nominate the same person for the office of sheriff?—A. Yes, sir.

60. Q. Prior to the last election, and before the organization of the Greenback party in this county, is it not true that at our general elections, other than Presidential and State elections, the usual Republican majorities for the past several years has been from 1,200 to 1,800?—A. Well, I think, somewhere in that neighborhood, but I do not admit or believe that such is the Republican strength of the county. I spoke of the Republican strength of the county, and that strength has been reduced by various causes which I need not mention, so that the Republican majorities have been smaller than their real strength.

61. Q. From your long acquaintance with Judge Mason have you any reason to believe that he would use money for improper or corrupt purposes to secure his election?

(Objected to; no part of recross-examination. Same ruling.)

A. Judge Mason, from my knowledge of him, is a careful, calculating, and adroit politician; upon his theory of action it is possible that in running a scheme he might give money to some party who would abuse his confidence, for when he has a programme he adheres to it with great tenacity and pushes it with great zeal and surmounts every obstacle he can, and in doing that he may be misled; he does not have time to weigh and ponder moral questions, but I do not believe that Judge Mason would personally and intentionally use his money to buy any man's vote or employ any man personally to do that thing, but in following his schemes he might leave his money with men who might use his money improperly, but in all my acquaintance with him I never heard him propose or suggest such a course of procedure, and I have been with him in political struggles where temptation was very great and excitement ran high, and men were pulling every string, but I never heard him suggest or countenance the idea of corrupting voters by the use of money, and I do not believe that he has personally ever done any such thing; and I will leave the subject with this remark, that I regard him a much better and purer man than some who helped him in last canvass, and I think the rumors to which I have referred have come from the indiscreet remarks of some of Mr. Mason's friends and not from him himself, and it is very unjust to hold him personally responsible for them.

62. Q. Do you not know or understand that Judge Mason has a bank account and deposits his money with and draws from the National Bank in this village?—A. He has kept a bank account and drawn from it and paid into it at the bank like other men.

63. Q. If the contestant believed the rumor which has been put afloat concerning the sending or taking of \$1,500 to Oswego, do you know of any reason why he does not produce some officer of the bank to show

whether or not any such money was withdrawn from such bank?—A. I don't know.

Redirect examination :

64. Q. Do you believe that as careful, shrewd, and adroit politician as you have described Mr. Mason to be would be likely, if he were going to bribe all the editors of the two counties by using for that purpose the sum of \$2,000, and was intending to and did send or take \$1,500 to the city of Oswego for corrupt uses, would be likely to place his bank account in such condition that those sums could be traced?—A. No. And assuming that Judge Mason would do the things that you impute by your question, I know him well enough to know that he would not do it in the bungling way that these idle and silly rumors attribute him, and that is why I call him an adroit, shrewd politician. In speaking of the figures that represent majorities at State and Presidential elections it is so difficult for me to remember figures I do not place very much confidence in my recollection on that topic.

A. N. SHELDON.

Subscribed and sworn to before me April 11, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, New York.

*Deposition of James Frisbie.*

JAMES FRISBIE, sworn, testifies as follows :

1. Question. Where do you reside?—Answer. Hamilton.
2. Q. Do you know a barber here by name of Wade?—A. I do.
3. Q. And a mulatto by the name of Hollingsworth?—A. I do.
4. Q. Is this Hollingsworth a barber, or simply a waiter in Wade's room?—A. I have seen him shaving and waiting.
5. Q. Were you absent from this place till sometime in August?—A. Yes.
6. Q. What date did you return?—A. I think it was the 22d of August.
7. Q. Was Hollingsworth there then when you returned?—A. No, sir.
8. Q. How soon after that did Hollingsworth come there?—A. I can't state exactly when it was. I should think it was three weeks.
9. Q. He took the place or came as Sennex left?—A. I think so.
10. Q. Did you have a conversation with Wade and Hollingsworth soon after election?—A. Yes, with Wade but not with Hollingsworth, but Hollingsworth was present.

11. Q. When was it?—A. Next day after election.

12. Q. State that conversation and all that transpired.

(Objected to as incompetent, immaterial, and hearsay, and that what Wade said would not be evidence as against Hollingsworth or contestee.)

A. I went down the day after election to get shaved; we talked about the election; I told Mr. Wade that some of these students that had voted was agoing to get jerked up, and I said, "They are going to try that man over there" (pointing toward Hollingsworth). Wade laughed and said, "O, pshaw, he is a voter." I said I did not think he was. He wanted to know the reason, and I told him I did not think he had been in the county long enough. And Wade says, "Yes, he has;" and I said I did not believe it. And there was another fellow in the second chair said, "I would vote every minute if I could get paid as well as he did." I says, "What pay did he get?" and Wade said, Watts gave him a dollar.

13. Q. What did Hollingsworth say or do?—A. I don't think he said a word.

Adjourned until Monday morning at 9 a. m.

MONDAY MORNING, *April 14, 1879.*

Cross-examination of JAMES FRISBIE resumed:

14. Q. Could you tell how long it was after you came to Hamilton before you saw Hollingsworth?—A. I can't state positively how long it was.

15. Q. Do you know of your own knowledge that Hollingsworth had not lived in the county of Madison four months next preceding the election held November 5, 1878?—A. No, sir.

16. Q. May it not be that it was longer after election than the next day that you had the conversation with Wade that you have spoken of?—A. I am positive it was the next day.

17. Q. What time in the day?—A. Between 9 and 10 o'clock a. m.

18. Q. Were you in the habit of having your barbering done there?—A. Yes; at that time.

19. Q. How often did you have barbering done in that shop?—A. Two or three times a week.

20. Q. Now, may not this conversation have taken place at some other time than the day after election?—A. No, sir.

21. Q. Mr. Hollingsworth took no part in the conversation, you say?—A. No; he did not.

22. Q. What was he doing?—A. Cleaning his glass, bottles, &c.

23. Q. You sat in the barber's chair being shaved?—A. Yes.

24. Q. And your face was in the opposite direction of Mr. Hollingsworth? If not so, please give the location of yourself and Hollingsworth at that time.—A. I sat in the east chair facing north wall, and Hollingsworth was west of me, perhaps eight or ten feet away, with a barber's chair between us.

25. Q. None of this conversation was addressed to Hollingsworth?—A. My remarks were made to Wade, and pointed to Hollingsworth and speaking of him.

26. Q. Between yourself and Wade and Hollingsworth there was another barber's chair at which another colored barber stood or was at work, was there not?—A. Yes, sir.

27. Q. And when you spoke to Wade and pointed toward Hollingsworth, you also pointed toward the other barber, or in that direction?—A. Yes; in that direction.

28. Q. In that conversation, Hollingsworth's name was not mentioned, was it?—A. I don't think it was.

29. Q. When Wade said, "Watts gave him a dollar," he was then shaving you?—A. Yes, sir.

30. Q. And, so far as you know, was not looking toward Hollingsworth, but was paying attention to his work?—A. He was looking at me.

31. Q. And you do not know, I assume, that Hollingsworth heard that remark?—A. He spoke it loud enough. I did not see Hollingsworth at that moment when Wade made that remark. Don't know whether he understood it or not.

32. Q. If you did not see Hollingsworth at the time Wade made that remark, then you do not know what Hollingsworth did?—A. No, sir.

33. Q. The fact that Hollingsworth made no answer would indicate to your mind, would it not, that he was attending to his business, and

did not hear or understand the remarks made?—A. I think he heard all that was said.

34. Q. Would the fact that he made no response indicate to your mind that he heard and understood what you and Wade said?—A. Yes, I think he heard it.

35. Q. Would the fact that Hollingsworth made no reply to the remarks be of itself an indication to your mind that he had heard what you were talking about?

(Objected to; question twice answered; 2d, the fact whether such a statement made in Hollingsworth's presence would or would not be an indication that he heard is properly a matter of argument on which men might differ.)

A. No, sir.

36. Q. Have you ever inquired of him or ascertained whether or not he did hear what you and Wade said?—A. Never had any conversation with any of them after that time.

37. Q. Have you any personal knowledge of your own as to whether or not Hollingsworth was paid the dollar?—A. I don't know anything about it.

38. Q. Then, as I understand you, you assume that Hollingsworth heard what was said upon the occasion you have spoken of simply from the fact that he was in the room at the time of the conversation; was that true?—A. Yes.

Redirect examination :

39. Q. As I understand you, Hollingsworth was some eight or ten feet from you, near the wall, in a northwesterly direction?—A. Yes, sir.

40. Q. Now, state again what was said; state it slowly.

(Objected to, on the ground that question has been fully answered. Same ruling.)

A. I went down to Wade's barber shop next day after election. Mr. Wade, Mr. Hollingsworth, and another colored gentleman there were present, and only those three and myself; and I sat down in chair; I think Wade asked me: "How do you think election came out?" I told him I thought Mason was elected, sure, from what I had heard; and added that I thought there would be a little trouble among some of the students; and I said that "that gentleman over there," pointing to Hollingsworth, would all be jerked up.

41. Q. As you pointed toward Hollingsworth, did you not look toward him and he look toward you?—A. Yes; I turned my head and looked toward him, and he turned and looked toward me.

42. Q. Was there any sign by his countenance, as a smile or otherwise, or other appearance, which indicated that he knew you were referring to him?—A. He looked around, and looked sober; he acted as if he knew I was talking about him.

43. Q. The other colored man was not, was he, in a direct line between you and Hollingsworth, but further south in the room?—A. No, sir; the other barber was further south; Hollingsworth was in front of the line of chairs.

44. Q. Now, state the balance of what occurred.—A. Mr. Wade said that Hollingsworth was a voter; I said I did not think he was; this gentleman at the second chair, he spoke and said that he would vote every minute if he could get paid as well as Hollingsworth did. Mr. Wade said, "Watts gave him (Hollingsworth) a dollar." I think that is all.

45. Q. Let me refresh your memory. As you said to Wade, "He is

not a voter," did you not say "He has not been here as long as I have, and I was not a voter"?—A. Yes, in substance.

46. Q. State, again, what time you returned in August.—A. August 22d.

47. Q. When you came, was one Sennex in that barber shop?—A. Yes, sir.

48. Q. Did Hollingsworth come into that shop after Sennex left?—A. Yes.

49. Q. About how long after you returned to Hamilton was it before Hollingsworth came?—A. As near as I can recollect, it was between two and three weeks.

50. Q. As you understood, he came from Binghamton, Broome County, leaving his family there, did he not?

\* (Objected to as purely hearsay. Same ruling.)

A. Yes.

51. Q. As Wade said what he did and as you said what you did, about how far was Hollingsworth from you?—A. Eight or ten feet.

52. Q. About how far was Hollingsworth from the other colored man when he spoke?—A. Not over 4, 5, or 6 feet.

53. Q. Did you all speak in an audible ordinary tone of voice, so that what each said could have been heard anywhere in the room.

(Objected to. Last part of question, that witness's opinion as to their conversation being heard anywhere in the room is incompetent. Same ruling.)

A. I think it could have been, and was spoken in an ordinary tone of voice.

#### Recross-examination :

54. Q. What is your politics?—A. Always voted Democrat ticket.

55. Q. At last election was you a Democrat or Greenbacker?—A. If I had voted I should have voted for Duffy.

56. Q. What do you understand Hollingsworth's politics to be?—A. A Republican.

57. Q. What is your age?—A. Twenty-six years.

58. Q. Did you ever understand that at the time of last election Hollingsworth's family were keeping house in Binghamton?—A. Only what I heard folks say.

59. Q. Did you not hear it said that at that time his wife was not keeping house in Binghamton, but that she was then living with her parents?—A. I never heard anything about her parents, but that she was keeping house there.

60. Q. Did you ever hear it said where else in this county Hollingsworth lived or worked before he came to Hamilton?—A. I did not.

61. Q. Did you have any personal knowledge as to where Hollingsworth's wife was living at the time of the election or whether she was keeping house or not?—A. No, sir.

62. Q. In this conversation when you told Wade that you understood they were going for Hollingsworth, and that he was not a voter as you understood, or words to that effect, I understand you to say that Mr. Wade, in whose employ Hollingsworth was, said to you, Hollingsworth was a voter?—A. Yes.

63. Q. So far as you know, Mr. Wade is a reliable and truthful man. is he not?—A. Yes, for aught I know.

64. Q. During this conversation with Wade, when you looked over toward Hollingsworth, he looked around toward you and looked sober. did he not?—A. Yes, sir.

65. Q. And he made no reply and did nothing except to look around at you in that sober manner, when you was making remarks against that gentleman's character and insinuating that he had voted unlawfully?—A. No.

Redirect examination :

66. Q. Did Hollingsworth vote for Mason?—A. I understand he did.

67. Q. As Wade said he, referring to Hollingsworth, was a voter, did he not say it in this way : "O, yes, he is a voter," at the same time smiling, or by his manner in some way giving you to understand that while in words he said he was a voter, that he knew he was not?

(Objected to as leading and been over. Same ruling.)

A. He spoke it in a laughing way and said, "O, yes, he is a voter."

68. Q. Did you ever hear it stated that Hollingsworth had ever resided in this county?—A. No.

69. Q. Do you not understand that up to this time his family is still in Binghamton, and he boarding with Wade?—A. Yes.

70. Q. And have you not learned that a few days ago and while Mr. Mason was giving his evidence the negro Hollingsworth went home on a visit to his family and returned one day last week?—A. No, sir.

71. Q. You understand he is now in the village of Hamilton?—A. He was the last time I was at the shop.

Recross-examination :

72. Q. When was you last at Wade's shop?—A. Last week; the latter part.

73. Q. Did you then see Hollingsworth?—A. Yes.

74. Q. Do you know why contestant does not produce him as a witness?—A. No, sir.

75. Q. Do you know or did you see for whom and how Hollingsworth voted for member of Congress?—A. No, sir.

76. Q. Have you any personal knowledge that Hollingsworth came from the city of Binghamton when he came to the village of Hamilton?—A. No, sir.

77. Q. When Wade said in substance, "O, yes, Hollingsworth is a voter," and, as you say, said it laughingly, do you know that he was not amused to think that you would insinuate or make the charge that he was not a voter when he voted?—A. I don't know what he thought.

JAS. B. FRISBIE.

Subscribed and sworn, April 14, 1879.

S. E. SCRANTON, JR.,

Notary Public for Madison Co., N. Y.

*Deposition of Frank O. Berry.*

FRANK O. BERRY, sworn, testifies as follows :

1. Question. Are you now and were you in November last the town clerk of the town of Hamilton?—Answer. I was, and am.

2. Q. How many election districts in this town?—A. Two.

3. Q. In which election district is Hamilton village?—A. Number 1.

4. Q. Have you the book containing a statement of the list of votes cast in this election district in November last?—A. I have.

5. Q. Please produce it.—A. Poll-books produced.

6. Q. Read therefrom the number of votes cast in this election district.

(Objected to that the official canvass in evidence showing the number of votes cast in the district, and that that canvass cannot be contra-

dicted or varied by evidence offered. 2d, it is incompetent, and the official is the best evidence. Same ruling.)

A. Four hundred and ninety-three. I determined this by the poll-list giving the name of each voter. Hollingsworth was the last man who voted, and his number on the poll-list is 493.

7. Q. Give the number of votes cast in this election district for the respective State tickets, *i. e.*, for judge of court of appeals, first, Republican; second, Democratic; third, Greenback.

(Same objections. Same rulings.)

A. For judge of court of appeals, George F. Danforth, Republican, 307; George B. Bradly, Democrat, 132; Gideon Tucker, Greenback, 29; William H. Van Cott, Temperance, 9.

Cross-examined :

8. Q. The poll-list from which you have been testifying simply shows the number of electors that voted at last election, and what boxes they deposited ballots in ?—A. Yes.

9. Q. If any elector voted a blank ticket that poll-list does not show it ?—A. No, sir.

10. Q. Were there some electors that voted a blank ticket on member of Congress, and which were deposited in Congressional box ?—A. I was not present in this district.

11. Q. Then the poll-list would not show how many votes Mr. Mason and Duffy received for member of Congress ?—A. No, sir.

Redirect examination :

12. Q. Those poll-lists show who voted, giving the name of each, and the order in which they voted ?—A. Yes, sir.

13. Q. While the poll-list does not show how many each candidate received, yet, as I understand, it shows the whole number of voters irrespective of the question whether any of those voters voted blank or otherwise ?—A. Yes; I understand it so.

FRANK O. BERRY.

Subscribed and sworn before me April 14, 1879.

S. E. SCRANTON, JR.,  
*Notary Public for Madison County, New York.*

*Deposition of John A. Dygert.*

JOHN A. DYGERT, sworn, testifies as follows :

1. Question. Where do you reside ?—Answer. In Oneida.

2. Q. What is your age ?—A. Thirty years.

3. Q. What has been your occupation for last five years ?—A. Salesman.

4. Q. What are your politics ?—A. Formerly a Republican, and am now, but worked for Greenback ticket last fall.

5. Q. What do you mean by that ?—A. There was no Greenback ticket in our town this spring, therefore I supported the Republican party.

6. Q. About what is the population of the village of Oneida ?—A. We poll about 1,000 votes at the two polling places, districts two and five.

7. Q. Does the Erie Canal and New York Central and Hudson River Railroad run through Oneida ?—A. The Central Road does, but the canal does not.



8. Q. Does the Midland Railroad cross the Central at Oneida?—A. Yes; it passes under it.

9. Q. Were you at the polls in the village of Oneida on last election day?—A. Yes; all day, except when out for voters or on streets for same.

10. Q. Is there a large purchasable vote in Oneida?

(Objected to as incompetent; that the opinion of the witness as to whether votes or voters are purchasable in the village of Oneida, and must state facts. Same ruling.)

A. There are instances in which votes have been bought there.

11. Q. Question repeated?—A. Well, I think we have a class of people there who belong to neither party that expect pay for their votes if they vote.

12. Q. Is the class you speak of substantially without political views except so far as money contributes to those views on election day?

(Same objections. Same rulings.)

A. I think so.

13. Q. About how large is that vote, as you understand it?

(Same objections. Same rulings.)

A. I can't say. It's my judgment there is between 50 and 100 of them.

14. Q. How long have you been a resident of Oneida?—A. I was born there, and lived there all my life.

15. Q. Was it generally and freely talked on election day that money was being used to buy voters in the interest of the Republican party?

(Objected to as hearsay and incompetent, and rumor is not legal evidence. Same ruling.)

A. That was the report.

16. Q. Was that the pretty general report and understanding?

(Same objections. Same rulings.)

A. It was.

17. Q. Were there any such reports or rumors in regard to the opposition?—A. I did not hear any.

18. Q. And was it generally understood and rumored that all that class of votes of which you have spoken was bought up by DeLano or his friends in the interest of the Republican party?

(Same objections. Same rulings.)

A. I should say that a good share of them were.

19. Q. Do you now remember an exception to that?

(Objected to as the question is deceptive; 2d, that the witness should speak of things in his own knowledge; and is incompetent and not within the issue. Same rulings.)

A. I don't remember. I don't think they got it all.

20. Q. About what proportion did they get?

(Same objections. Same rulings.)

A. I can't say. I think DeLano got it all, and I think Berry got most of it; he was our nominee for assembly.

21. Q. But the assembly ticket was separate and apart from the State?—A. Yes.

22. Q. Do you understand that Mason and DeLano were political friends?—A. I don't know.

23. Q. You may state if you recollect whether there was one or more Democrats that worked in the interest of the Republican party that day?

(Objected to as immaterial and no evidence of corruption. Same rulings.)

A. They worked in the interest of Milton DeLano ; can't say as to balance of ticket.

24. Q. How many ?—A. I am positive Sam. R. Frank did, and it is rumored others did.

25. Q. Did he make any statements to you in relation to what he was doing or what he had done ?

(Objected to. Statements of Sam Frank are no evidence against Judge Mason. Incompetent and immaterial. Same rulings.)

A. He did not.

26. Q. Did any persons make any statements to you upon that subject ?

(Objected to as same. Same rulings.)

A. I had people tell me that Sam Frank had offered them money for their vote.

27. Q. Did any one tell you he got money for his vote ?

(Same objections. Same rulings.)

A. Yes, sir.

28. Q. Who was it, and what did he say ?

(Same objections and rulings.)

A. His name is Charles Van Alstyne ; he said he received money for his vote, and that he got it from Mr. Frank.

29. Q. So far as you know or have heard, was there any money used there in the interest of Mr. Duffy or in behalf of the Democratic or Greenback tickets ?—A. I don't know anything about the Democratic ticket ; I know there was none used in the interest of the Greenback ticket.

30. Q. So far as you know or have heard was there any used in behalf of Democratic ticket ?—A. I don't know anything about it.

31. Q. (Question repeated.)—A. No, sir.

32. Q. Mr. Berry was a resident of Oneida village, was he not ?—A. Yes.

33. Q. And Mr. DeLano was not ?—A. No, he was not.

34. Q. Did you observe any of that class of men of whom you have spoken about to vote who had what appeared to be a Democratic or Greenback ticket on outside for member of Congress with pasters having Mason's name on the inside ?—A. I did.

35. Q. How many ?—A. Only one.

36. Q. Was that the only man whose tickets you examined ?—A. It was.

37. Q. What was his name ?—A. Washington Dygert.

38. Q. Has he been regarded there as one of the class of which you have spoken ?

(Same objections ; same rulings.)

A. He has.

39. Did he have a DeLano ticket also ?

(Same objections ; same rulings.)

A. Yes, sir.

40. Q. And was the balance of his ticket Republican ?—A. Yes, sir.

41. Q. Did you learn from him of whom he got his votes ? If so, state who.

(Same objections ; same rulings.)

A. He got them from Nelson Knight.

42. Q. What was he in politics ?—A. A Republican.

43. Q. Was it generally understood that this man Knight was in the same business that Frank was ?—A. He worked for the Republican ticket, as he always does.

44. Q. Is it not a fact that the vote which you regard as purchasable in the village of Oneida is obtained by whichever party in that village on election day uses money to obtain it?

(Same objections. Same rulings.)

A. Yes, sir.

45. Q. And is it not also true that it was generally understood, and talked there on election day, that at that time the Republican party had the funds and the others did not?

(Same objections, incompetent, &c. Same rulings.)

A. It was.

46. Q. Dr. Cherry in his testimony stated that there were three men who were around the polls the latter part of the day, and who refused to vote without money, and who were Greenbackers in principles, but who finally, after having interviews with Frank or some other person, voted the Republican ticket. What knowledge have you, if any, of those three men?—A. Not any.

Cross-examination :

47. Q. For whom did you vote for Representative in Congress, at the last election?—A. Sebastian Duffy.

48. Q. During that canvass was you an active Greenbacker, and so work for that party?—A. I was, and did.

49. Q. You say Milton DeLano did not live in the village of Oneida. Did he live in the town of Lenox, in which the village of Oneida was situated?—A. He did.

50. Q. Milton DeLano was running upon the Republican ticket for the office of sheriff, was he not?—A. Yes.

51. Q. Had he once, and but three years before, been sheriff of this county?—A. He had.

52. Q. And did you not understand that he made a good officer, and as such sheriff was very popular in Oneida village, and other parts of Madison County?—A. I understood he made a good officer.

53. Q. (Question repeated.)—A. I did.

54. Q. Was he, as you understand, raised in town of Lenox?—A. I don't know where he was raised.

55. Q. Had he not, to your knowledge, been a resident and business man of that town for many years?—A. He had.

56. Q. And as a citizen and business man, was he not highly respected by the people of that town?—A. Yes, I believe so.

57. Q. About what is his age?—A. About 40 years.

58. Q. About what is the age of Sam Frank, of whom you spoke?—A. About 35 years.

59. Q. Do you not understand that same Frank is a personal friend of Mr. DeLano?—A. Yes.

60. Q. Do you not understand that Mr. DeLano has other personal friends in the Democratic ranks, in and about the village of Oneida?—A. Yes, sir.

61. Q. At that election, was George Berry upon the Democratic ticket for member of assembly?—A. Yes.

62. Q. Have you not heard it said, and has it not been rumored about Oneida, that money was used in the interest of Mr. Berry to secure his election?—A. I never did.

63. Q. (Question repeated.) Will you swear you never heard it so rumored, in relation to last fall's election?—A. I will.

64. Q. You said a moment ago, which is not recorded, that you might have heard arguments concerning the use of money by Mr. Berry. Will

you please state what you mean by this statement ?—A. I mean, I heard you state a little while ago, and it's possible I have heard others, but do not remember it.

65. Q. Do you know the number of votes Mr. Mason received in districts numbers two and five which you have named ?—A. No, sir.

66. Q. Do you not know as a fact that he did not receive but very few if any more votes than the Republican nominee for judge of court of appeals ?—A. I don't know.

67. Q. Do you not so understand ?—A. I never heard it stated.

68. Q. Please state the number of votes George F. Danforth, Republican nominee of judge of court of appeals received in election district number two of that town, as shown by official canvass.—A. 277, and Joseph Mason 282. In district number five, Danforth received 166, Joseph Mason 172.

69. Q. Does the vote received by Judge Mason in those districts as compared with the votes received by Mr. Danforth, indicate that money was used in Judge Mason's interest ?—A. That is a hard question to answer. I don't think you can make any comparison, for when you buy one part of a ticket, you generally get the whole.

70. Q. In which of those districts did you vote and work at polls ?—A. Number five.

71. Q. Did you see any person except those who supported the straight Republican ticket, working in the interest of Mr. Mason ?—A. I did not.

72. Q. Did you know of any person claiming to have any of Mr. Mason's money working at the polls on that day ?—A. I did not.

73. Q. Did you see or know of any money being used to secure Mr. Mason's election in either of those districts ?—A. I can't say as I did.

74. Q. In those election districts, was not the special contest and strife over Mr. DeLano and his opponent ?—A. I think it was.

75. Q. You have spoken of rumors; were they not to the effect that a few persons working specially in the interest of Mr. DeLano were using money in his interest ?—A. Yes.

76. Q. Did you see any money paid by any of Mr. DeLano's friends to any voter on election day ?—A. No, sir; I did not.

77. Q. Did you see any money paid by any person working in the interest of the Republican party to any elector on that day to corrupt the election or to secure votes ?—A. No, sir.

78. Q. Have you any personal knowledge that any money was so used or paid ?—A. No, sir.

79. Q. You have spoken of rumors. Will you please name some of the persons engaged in putting such rumors afloat, or circulating them, and state the politics of such persons ?—A. Mr. Charles Van Alstyne told me he received money for his vote. Also Washington Dygert. Can't name others. I don't know who put those rumors afloat or circulated them.

80. Q. Do you know of your own knowledge that either Van Alstyne or Dygert received one penny for their votes ?—A. Only their word for it.

81. Q. Did those gentlemen tell you for whom they voted ?—A. They did not.

82. And do you know of your own knowledge which ticket either Van Alstyne or Dygert voted ?—A. Van Alstyne—I don't know what he voted. Dygert voted the Republican ticket; he voted for Mr. Mason with an eel-skin over Duffy's name, and also voted for De Lano.

83. Q. Did you see Van Alstyne vote ?—A. No.

84. Q. If you did not see him vote, how do you know which ticket he did vote.

(Question waived.)

85. Q. Did you see Dygert vote?—A. Yes.

86. Q. Did you see Nelson Knight give Dygert his tickets?—A. I did.

87. Q. You did not see Knight give him any money, did you?—A. No, sir.

88. Q. Do you know where Sam. Frank was when Knight gave Dygert his tickets, and Dygert voted?—A. No, sir.

89. Q. Did you see Frank have any conversation with Dygert?—A. No, sir.

90. Q. Can you say that Frank was anywhere about the polls when Dygert received his votes and voted?—A. No, sir.

91. Q. Did Dygert say how much money he got?—A. I can't say he did.

92. Q. Did Van Alstyne say how much he got?—A. I can't say he did.

93. Q. Did Dygert say who paid him the money?—A. He said Knight did.

94. Q. Did Van Alstyne say who paid him?—A. Said Sam Frank did.

95. Q. When did those men tell you?—A. Some time during election day.

96. Do you know who gave Van Alstyne his tickets?—A. No, sir.

97. Q. Were both Mr. Knight and Mr. Frank working specially in De Lano's interest?—A. Mr. Frank was; Mr. Knight was working whole ticket.

98. Q. How near was you to Mr. Dygert when Knight gave him his tickets and voted?—A. I was so near I took the tickets out of his hand and looked at them and handed them back, and I followed to polls and he voted.

99. Q. If Mr. Knight had then given him money would you not have seen it?—A. Yes; if he had given it to him then.

100. Q. Can you now speak of any other rumors, naming the persons that you heard make such rumor on election day?—A. No, sir.

101. Q. Did you receive any of Sebastian Duffy's money to use for any purpose during that campaign?—A. No, sir.

102. Q. Dr. Cherry, a witness produced here, the chairman of Greenback county committee, has testified that he gave you some of Duffy's money?—A. I know nothing about it; I received \$25 of Dr. Cherry; I don't know whose money it was.

103. Q. Did you know or understand that was campaign funds?—A. Yes.

104. Q. You knew, did you not, that Duffy was assessed \$200 and that he had paid it to Mr. Cherry, as such chairman, before you received the \$25?—A. I knew he had been assessed; did not know whether it was paid before or after, but I understood he paid.

105. Q. After you received that \$25, did you work specially in Mr. Duffy and the Greenback party interest, both before and on election day?—A. I did.

106. Q. Please give the names of those gentlemen who were employed as Democratic or Greenback poll-drivers in the election districts Nos. 2 and 5 of Oneida, at that election.—A. Nobody worked the Greenback party but Dr. Cherry, N. R. Satterlee, and myself.

107. Q. How much money did you understand Mr. Satterlee received for his services or otherwise?—A. Not any.

108. Q. Did you pay any of the \$25 that you received to any other person?—A. No, sir.

109. Q. Did you not understand that the Democratic party employed or had different persons acting as poll-drivers at that election in those two districts?—A. I suppose they did.

110. Q. Do you know how much money was paid to those poll-drivers?—A. I do not.

111. Q. Is it not quite customary, as you understand, for the Democratic party?—A. I know it is in the Republican party; I know nothing of the Democratic party.

Redirect examination:

112. Q. Was Milton De Lano popular among Republicans in last fall's campaign?—A. I don't think he got the vote he ought to have got.

113. Q. Is it not true that there had to be special efforts made on behalf of De Lano?—A. We found Richardson eel-skins on De Lano votes, and some the other way.

JOHN A. DYGERT.

Subscribed and sworn before me, April 14, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison Co., New York.*

*Deposition of James Gelboy.*

JAMES GELBOY sworn testifies as follows:

1. Question. What is your age?—Answer. Thirty-two years.

2. Q. Have you always resided in this village?—A. Yes.

3. Q. What are your politics generally?—A. A Democrat.

4. Q. For whom did you vote for member of Congress at last election?—A. Mr. Mason.

5. Q. The balance of the ticket, how did you vote?—A. Democratic straight.

6. Q. State fully what occurred on election-day in relation to your vote?

(Objected to: First, it is not rebutting evidence, and that question calls for new matter; second, incompetent; third, to be confined to transaction between witness and Judge Mason, and is hearsay. Same ruling.)

A. About or between 3 and 4 o'clock in the afternoon I was going over to vote. Mr. Cushman, I mean Watts Cushman, said, "James, have you voted yet?" I said, "I have not." I met him near Bonney & Welton's drug-store. I was going over to Park House, and I told him I would be back in a few minutes; and as I came back from Park House I met Mr. Cushman and James Benedict both in front of Bonney & Welton's drug-store. Mr. Cushman spoke up and said, "James, come on, go and vote, I have got a half-dollar for you"; and I said, "No, Cushman, I don't wish to sell my vote." He spoke up in this way: "You don't know this Duffy; he is a low-lived drunkard, and you do know Joe Mason, our townsman." I said, "I know Mr. Mason, but do not know Mr. Duffy, only what you say." I told Mr. Cushman that I always vote the Democratic ticket, and always intended to. He said, "James, that won't hurt you for voting for Mr. Mason," and I asked him why? He said, "James, you always get work here in town by Mr. Mason"; and then we walked from Bonney & Welton's toward the Smith block. Mr. Cushman said, "Come on, James, I have got the half-dollar, but it will not do for me to give it to you, but I will hand it to Mr.

Benedict." And when we got to the stairs leading to the room where the polls were being held, Mr. Cushman handed Mr. Benedict the half dollar as we got about half way up the stairs, and Mr. Benedict handed me the half-dollar, and said, "Come on up and vote, and I will see you vote."

7. Q. Who handed you your tickets?—A. Watts Cushman gave me an eel-skin of Joseph Mason to put over Duffy's name, and said, "I will fix your vote." This was in the stairway, just before we entered the hall.

8. Q. Did you go and vote?—A. I did, sir.

9. Q. Who went up with you?—A. Benedict and Watts Cushman went up and watched and seen me vote.

10. Q. Who gave you straight Democratic votes?—A. I think Charles Wilcox.

11. Q. Are you certain he handed them to you?—A. I am certain.

12. Q. We have to give several days' notice of the examination of witnesses; within the past two or three days, has Mr. Cushman been to you?

(Objected to same; same ruling.)

A. Yes.

13. Q. When and where was it?—A. It was on the post-office steps, night before last, as I was going up Madison street, he stopped me.

(Contestee objects to conversation as above; same ruling.)

A. He said, "Good evening, James." I said, "Good evening, Mr. Cushman." He said, "I understand you are going on to the stand to be sworn." I said, "Yes, I am." He said, "James, don't say anything about that half-dollar I gave Benedict to hand to you." He said, "If you do, it will hurt us." I don't know who he meant. I said, "Mr. Cushman, if I go on to that stand I will tell the truth," and then I bid him good evening, and we separated.

14. Q. You understand this Benedict to be a student in Madison University?—A. Yes, sir; and clerks it in vacation-time.

15. Q. Within the past two or three days has this Benedict been to you?—A. Yes; last night about five o'clock, near Woodruff's store, in this village.

16. Q. Do you know who saw you talking with him?—A. I don't know. I was going over to Arthur Rice's store to get some groceries for my mother. I don't know as any one saw me in particular.

17. Q. What did he say?

(Same objections. Same ruling.)

A. He said, "James, are you in a hurry?" Said I, "No." He said, "James, I understand you are agoing to be brought on the stand." I said, "Yes; I am;" and he said, "Don't say anything about that half-dollar." I said, "If I am put on the stand I shall tell the truth." He said, "If you do, James, that will hurt us." I said, "I can't help it; I shall tell the truth."

18. Q. Was it not Saturday evening, instead of Sunday evening, that you saw Cushman on the post-office steps?—A. It was Saturday night. I remember by the rush around the post-office.

19. Q. Did either of them ask you—if so, which—how it got out?—A. Yes, sir. Mr. Cushman did. I told him I did not know how it did leak out. I said to him I had never said a word about it, and I had not either, without Mr. Benedict told of it.

20. Q. Since you have been subpoenaed, you have told Mr. Leonard and White what you knew, or a part of it, as you have told it here, have you not?—A. Yes.

21. Q. And did you tell a part of it to Mr. Leonard at the time he subpoenaed you on Saturday?—A. Yes.

22. Q. Within a day or two after election, I am informed by Mr. Smith, contestee's counsel, that you went up to see Mr. Mason. Did you call on him after election?—A. I did. I went to his house.

Cross-examination:

23. Q. What time in the day did you vote at last election?—A. Between three and four in the afternoon.

24. Q. Were there a good many people in the street on that day?—A. Not so many as there was in the hall.

25. Q. Were there some people walking upon the walks in the village on that day?—A. Yes; of course there was.

26. Q. From what place did you start to go to the polls?—A. Near Bonney & Welton's store.

27. Q. And whereabouts did you meet Mr. Cushman?—A. In front of Bonney & Welton's, on my way to the Park House.

28. Q. Had you just left Bonney & Welton's to go and vote?—A. No, sir.

29. Q. When you first saw Cushman had you just come from Bonney & Welton's?—A. No, sir.

30. Q. Where had you come from?—A. I can't say. I was on my way to Park House.

31. Q. For what was you going to the Park House?—A. I decline to answer that question.

32. Q. Why do you decline to answer?—A. I was going there to get a cigar.

33. Q. Did the counsel for contestant just tell you to answer that question?—A. Yes.

34. Q. Did you not go over to the Park House and take a drink?—A. I did not.

35. Q. Is the reason why you did not go to the Park House and take a drink because they won't let you have a drink?—A. Yes.

36. Q. Is the Park House a licensed hotel, and do they sell liquor?—A. Yes.

37. Q. Why do they refuse to sell you liquor?—A. Because I make a fool of myself.

38. Q. You say you first saw Mr. Cushman in front of Bonney & Welton's store. Was it there that you had the conversation with him about your voting?—A. Yes.

39. Q. And was that between 3 and 4 o'clock in the afternoon?—A. Yes.

40. Q. Was that one of the most public walks in the village?—A. Yes; it was that day.

41. Q. Were people passing to and fro on that walk that day?—A. Yes.

42. Q. Do you know what persons passed along the walk while you and Mr. Cushman were talking?—A. No, sir; I could not notice them all.

43. Q. Who first spoke, you or Watts?—A. Mr. Cushman spoke first.

44. Q. What did he first say?—A. He said, "James, where you going?"

45. Q. What did you tell him?—A. I told him I was going over to Park House.

46. Q. Did you tell him for what you were going to Park House?—A. No, sir.



47. Q. What did he then say?—A. He said, "I want to see you in a few minutes," and I said that I would be right back.

48. Q. Was there anything more said at that time?—A. No.

49. Q. How long was you gone to the Park House?—A. Not over ten minutes.

50. Q. Then you came back in front of Bonney & Welton's store, did you not?—A. Yes.

51. Q. What persons do you remember of seeing when you came back?—A. I can't say who there was; but a good many went past.

52. Q. Where then did you see Mr. Cushman?—A. In front of Bonney & Welton's. He was waiting for me to come back.

53. Q. Did you have any conversation with Cushman then and there?—A. Yes; I did.

54. Q. During the time of that conversation were different persons passing upon the walk upon which you and Mr. Cushman stood?—A. Yes.

55. Q. Could you name any of those persons?—A. No.

56. Q. What was the first that was said between Cushman and you when you came back from hotel?—A. When I came back from Park House I met Mr. Cushman and Mr. Benedict. Then we went on to cross-walk, toward the brick store; us three was together before we got to the stairs. We got half-way up the stairs.

57. Q. Did you have any conversation upon the subject of voting after you came from Park House until you got upon the stairs leading into Tripp's Hall, where the polls were held?—A. Only what Mr. Cushman talked to me.

58. Q. Where and what was that conversation, if any was had?—A. Mr. Cushman came to me on Woodruff's corner; he asked me how I was agoing to vote. I told him a straight Democrat ticket. He asked me if I had voted yet. I told him, "No, sir." He said, "I want to see you before you vote." Next I saw him at Bonney & Welton's, as I was going to the Park House.

59. Q. When you went from Bonney & Welton's store to the polls did you not go directly across the street to Root Brothers' store, and from thence to the right to Tripp's Hall in a westerly direction?—A. Yes.

60. Q. And is Woodruff's store upon the corner opposite of Tripps Hall?—A. Yes.

61. Q. Then in going from Bonney & Welton's to the polls you did not go near the corner where Woodruff's store is, but the nearest to it you was near the bank?—A. Yes.

62. Q. Did Mr. Benedict and Mr. Cushman go with you on this route from Bonney & Welton's store to the polls?—A. They did.

63. Q. When you, Mr. Benedict, and Mr. Cushman got part way up the stairs leading into Tripp's Hall, as you have stated, did you then immediately go to the polls and vote?—A. I did after I got t the dollar.

64. Q. Upon those stairs was anything said by either of you three persons?—A. Yes.

65. Q. Who first spoke?—A. Mr. Cushman.

66. Q. What did he say?—A. He said, "James, here is the half-dollar, and I will give it to Benedict to hand to you, because there is so many watching; it will not do for me to let people see me pay out money to-day"; and they said, "Jimmie, come on up and vote."

67. Q. Were different persons, members of both political parties, almost constantly passing up and down those stairs on that day?—A. Of course there was.

68. Q. You say that the half-dollar Cushman handed to Benedict was handed to you upon those public stairs?—A. Yes.

69. Q. And Cushman said that he would give it to Benedict, and Benedict would give it to you, in substance, so that what they did would not be seen?—A. Yes; so they would not know anything about it at all.

70. Q. Did you take the money?—A. I did.

71. Q. Did you make any objections to receiving money?—A. I did not; I was glad to get it.

72. Q. What did you do with the money?—A. I spent it.

73. Q. For what?—A. I can't say.

74. Q. When did you spend it?—A. I spent some that night, and perhaps the whole of it after polls closed.

75. Q. What else took place upon the stairs in addition to what you told me?—A. Benedict said, "Come and vote."

76. Q. Do you think that you did a right and proper thing in taking that fifty cents?—A. No, sir; I ought to voted for Duffy.

77. Q. You do not think, do you, that the simple act of the taking of the half dollar was wrong, do you?—A. I did.

78. Q. Why do you think it was wrong?—A. Because I ought not to have been bought.

79. Q. Have you stated upon my examination every interview and all of the conversation which you had with Mr. Cushman and Benedict, or either of them, on that day?—A. I have, up to the time I voted.

80. Q. Did Mr. Benedict go to the polls with you?—A. He went within fifteen or twenty feet of the polls with me.

81. Q. After you voted, did you have any conversation with Benedict or Cushman, except as you have stated? If so, state where and when it was.—A. They both shook hands with me and replied, "Bully for you, Jimmie; we will make this right with you again."

82. Q. Did they shake hands with you and say, "Bully for you; we will make it right with you" in the hall?—A. Yes; just by the doors.

83. Q. Did they speak in an ordinary tone of voice?—A. No; they spoke low, and as though they were well pleased.

84. Q. Did both of them say that?—A. Yes.

85. Q. Which one of them said it first?—A. Mr. Cushman..

86. Q. How many persons were there in the hall at that time?—A. I can't say.

87. Q. About how many?—A. I can't tell.

88. Q. Were there a large number of persons?—A. Yes; I did not pay attention.

89. Q. Could you tell whether there was five men or one hundred?—A. I could tell whether there was five or not.

90. Q. Was there twenty-five men in the hall?—A. I can't tell.

91. Q. Would you say there was not one hundred?—A. No.

92. Q. As you came from the poll did you see a good many men in the rear part of the hall?—A. Yes; quite a good many sitting in the seats.

93. Q. Were there men standing up in the hall near the door?—A. Yes; of course there was.

94. Q. I understand you to say that Mr. Cushman and Mr. Benedict shook hands with you and said, "Bully for you; we will make it right with you," and that this conversation was in the rear part of the hall?—A. Yes; near the door.

95. Q. The door is at the top and front of the stairs, is it not?—A. There is a space of ten feet or so between top of stairs and doors; yes, the door is in front of the stairs.

96. Q. Were different persons standing upon this space between the stairs and doors?—A. Yes; they were coming to and fro.

97. Q. How near were you to the door when this conversation took place?—A. About four feet, I should say.

98. Q. Would you swear that there were not more than fifty men in the rear part of the hall and at or around the door when you came from the polls, and when you claim the conversation took place between you and Benedict and Cushman?—A. No, sir; I would not.

99. Q. Do you say that you saw Mr. Benedict last night?—A. I say yesterday afternoon; late in the afternoon.

100. Q. Are you positive that you saw Benedict, and had the conversation you have related on yesterday late in the afternoon?—A. Yes.

101. Q. Have you ever had any conversation with Benedict since election on this subject until yesterday?—A. No.

102. Q. Where was the conversation had with Mr. Benedict yesterday?—A. Down Broad street, near Kent & Kelly's store, and also on Woodruff's corner.

103. Q. Who was present at the conversation on Broad street yesterday afternoon?—A. No one; school-girls were passing to and fro.

104. Q. Were men and other persons passing to and fro?—A. Yes; of course.

105. Q. Can you name any person that passed along on that walk while you and Benedict had that conversation?—A. Mr. Keith was sweeping in front of his store, Mr. Royce and his clerk were in their door, and Mr. Enos was in his store door.

106. Q. About how many rods is it from Enos's store to Keith's?—A. I can't tell.

107. Q. Can't you state whether it's one or fifteen rods?—A. I can.

108. Q. State about how far it is.—A. I don't think it is over four rods.

109. Q. As you was talking with Benedict, do you claim that you saw Enos?—A. Yes; standing in his door.

110. Q. How long did you and Benedict stand upon the walk?—A. Not more than two or three minutes, as I was in a hurry.

111. Q. What time in the day was that conversation?—A. In the afternoon; it was after I had my dinner, which was at one o'clock.

112. Q. Was it as late as four or five o'clock?—A. No, sir.

113. Q. Did you see him again yesterday afternoon?—A. Yes; on Woodruff's corners.

114. Q. Who was present?—A. No one.

115. Q. Was it upon the public walks and in daylight?—A. Yes.

116. Q. Was it in front of Woodruff's store?—A. It was, near the dry-goods box; I should say not over eight or ten feet away from window.

117. Q. Is it eight feet from the public walk to the building?—A. Yes; it's ten.

118. Q. Have you ever measured it?—A. No, sir.

119. Q. You say it was by a dry-goods box in front of store?—A. Yes; it sits at further end of walk.

Adjourned at 12 m. to 1.30.

Cross-examination resumed 1.30:

120. Q. You have sworn positively two or three times that your conversation with Mr. Benedict in front of Woodruff's store yesterday

afternoon was by a dry-goods box ; will you now swear that any such box was there yesterday ?—A. I am mistaken ; it was Saturday afternoon.

121. Q. When you swore positively then that this conversation was late in the afternoon of only yesterday, you now say that it is not correct ?—A. It is not ; it was Saturday.

122. Q. Did you not know when you was testifying whether this conversation was yesterday afternoon or as long ago as last Saturday ?—A. Yes ; I ought to know.

123. Q. How did you come to make so grave a mistake in that question of time ?—A. While I was eating my dinner, I thought of it. I was sent on an errand to Mr. Bright's for this house, and it was Saturday.

124. Q. Then did you have any conversation with Benedict yesterday ?—A. No ; I don't think I did.

125. Q. Since we adjourned for dinner, have you conversed with Counselor White in regard to your evidence ?—A. I have not.

126. Q. Have you not conversed with him ?—A. Yes.

127. Q. Since adjournment, did not Mr. White call you from this to an adjoining room ?—A. He did not call me.

128. Q. Did he speak to you, and did you then leave this room and go into an adjoining room and talk ?—A. I did.

129. Q. Since we adjourned for dinner, what have you heard concerning the whereabouts of Mr. Benedict on yesterday ?—A. Not a word.

130. Q. Do you now know whether or not Mr. Benedict was in the village of Hamilton yesterday afternoon ?—A. No.

131. Q. Did you testify that when you talked with Benedict upon Broad street yesterday afternoon, that you saw some school-girls passing by ?—A. Yes.

132. Q. Do you not know that there was no school in session in this village on Saturday ?—A. I know there was not.

133. Q. Could you name any of those school-girls you saw ?—A. I could not.

134. Q. When did you have the conversation with Mr. Cushman by the post-office ?—A. It was in the afternoon, and I can't tell the day ; it was since this contest began, and since he came from Washington.

135. Q. And was that conversation in front of the post-office ?—A. It was right on the steps.

136. Q. Can you tell within a week of the time of that conversation ?—A. It was just before he started to go to Washington with Judge Mason.

137. Q. And Judge Mason and Mr. Cushman went to Washington when this session of Congress began ?—A. Yes.

138. Q. Did you testify this forenoon that this conversation with Cushman by the post-office steps was night before last ?—A. I did.

139. Q. Is that true ?—A. It is not true.

140. Q. Do you know G. G. Waldron ?—A. I do.

141. Q. Did he not furnish you with tickets up in the hall on election day ?—A. Yes, and others did.

142. Q. Did he see you vote ?—A. Not as I know of.

143. Will you swear that you did not vote before 12 o'clock on that day ?—A. Yes, I will.

144. Q. How many times have you been arrested ?—A. I decline to answer it.

145. Q. Why do you decline ?—A. Because it's not Congress business, or your business, or anybody else's business.

146. Q. How many times have you been in jail as a prisoner?—A. I decline to answer that question.

147. Q. How often do you get intoxicated?—A. I decline to answer that question.

148. Q. Have you been drinking to-day, and are you not now intoxicated?—A. I am not.

149. Q. While giving your evidence before these notaries, have you cursed and sworn and used profane language?—A. I have.

150. Q. And did you curse and swear at one of the notaries?—A. Yes.

Redirect examination:

151. Q. The day you saw Bennedict, you say, do you not, was while you was at work for Mr. Pratt, the keeper of this hotel, and one day when you went to Bright's hardware store for something for him in relation to the blacking of a stove?—A. Yes; that is true.

152. Q. And upon reflection, instead of calling it yesterday, it was in fact last of last week.—A. Yes; it was Friday or Saturday we blacked stove.

153. Q. And did you see him twice on that same day?—A. Yes.

154. Q. Where did you see him first?—A. In front of the Utica store, on Broad street.

155. Q. That conversation has not been called out; now, please state it.—A. I spoke to him and said, "How did this thing leak out?"—I meant the payment of money on election-day, and he said—"What do you mean by that, Jim?" and I said, "About this fifty cents on election day." I told him it had leaked out, and he said, "It must have been Watts Cushman told of it." And I told him that I had never told of it in any shape or manner. I said, "If you don't say anything I shan't say anything," and we shook hands and passed on.

156. Q. How long afterwards did you see him in front of Woodruff's?—A. In afternoon of same day; I saw him twice that day.

157. Q. Where were you going?—A. I was coming from Tripp's, near a dry-goods box. I presume the box is there now.

158. Q. There is, is there not, very much of the time a dry-goods box in front of Woodruff's store?—A. There is one always there, and one there now.

159. Q. You say you saw Mr. Cushman; was it before you saw Mr. Benedict or after? Which spoke to you first about it?—A. Mr. Cushman, on the post-office steps.

160. Q. How long before? Was it the same day, or a day or two or longer before?—A. It was the day before I saw Mr. Benedict, I think.

161. Q. Did you also, yesterday, have a conversation with Mr. Cushman near the peanut-stand?—A. No, not yesterday.

162. Q. After many troubles it has been intimated you have had, and as intimated, been in jail, did you, after all those troubles, conclude to and did vote a portion of the Republican ticket?

(Objected to as indecent and improper, and the witness declined to testify concerning his arrest and trouble; and, further, is incompetent, &c. Objection sustained.)

163. Q. Were not all the troubles the result of charges of intoxication?

(Same objection; objection sustained.)

164. Q. Was that money paid you in coin or paper?—A. A fifty-cent coin.

165. Q. Was it handed to you in plain sight of people?—A. No; it was slyly put in my hands on stairway.

166. Q. First Cushman handed it to Benedict, and Benedict to you?—A. Yes.

167. Q. Something has been said about, after election, your going up to see Mr. Mason.—A. Yes.

168. Q. After election, did you go up to Judge Mason's twice?—A. I did.

169. Q. How soon after?—A. The next day in forenoon after election, and the next day afternoon after that.

170. Q. Did you see him?—A. I did not.

Recross-examination :

171. Q. You have been to Mr. Mason's before these two times you have mentioned?—A. No; I have not on business, but have been around his house and other houses.

172. Q. Before election, did you ever talk with Judge Mason about voting for him?—A. No.

173. Q. When you voted, did you see Judge Mason?—A. No.

174. Q. Was you in Mr. White's office last night?—A. Yes.

175. Q. Who else was there?—A. Mr. White and Leonard.

176. Q. Did Mr. White send you after Leonard?—A. Yes; yesterday morning, and paid me for it.

177. Q. What was the first thing said between you and Benedict on Broad street?—A. I says, "Who squealed?" and he said, "I have not;" and I said, "I have not." He said, "I am not agoing to say anything about it," and I said, "I am not." Then he said, "It must have been Watts who told of it." Nothing more, only good-bye.

178. Q. Was that on Friday or Saturday?—A. I could tell by asking Mr. Pratt.

179. Q. Can you be positive which of those two days it was?—A. I think it was Friday; am not positive.

180. Q. Did you swear before dinner that it was on Saturday?—A. I don't think I did.

181. Q. Do you remember what you testified to before dinner?—A. I do; every word.

182. Q. Do you now say that the conversation with Mr. Cushman in front of the post-office was the day before this conversation with Benedict on Broad street?—A. Yes.

183. Q. And do you still say that the conversation with Cushman by the post-office was the day before Mr. Mason and Cushman went to Washington?—A. I don't know anything about their going to Washington, nor anything about that.

184. Q. Since dinner, when you testified that the conversation with Mr. Cushman by the post-office was the day before Mason and Cushman went to Washington; was that true?—A. I can't tell what day they started for Washington. They might have gone three or four days after or a week before.

185. Q. Do you not know that it was several weeks ago, and as early as the middle of March, that Mr. Mason and Cushman went to Washington?—A. Yes.

186. Q. Can you tell how long it was before they went to Washington that you had that conversation with Cushman on post-office steps?—A. It was since he came back from Washington.

187. Q. What did you mean, then, when you testified that that conversation was the day before they went to Washington?—A. I did not say so.

188. Q. Can you now tell within a week of the time of that conversation on the post-office steps?—A. Yes.

189. Q. Was it since this investigation began, as you have once testified?—A. Yes.

190. Q. About how many weeks ago was it?—A. I said it was last Friday.

191. Q. Was it in the daytime?—A. Yes; it was.

192. Q. Do you know who was about the walk or around the post-office at the time?—A. All the one I saw was the peanut-man.

193. Q. There is a peanut-stand close by?—A. Yes.

194. Q. Who keeps that stand?—A. I don't know his name; he lives down Payne street.

JAMES GILBRY.

Subscribed and sworn to before me April 15, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of A. B. Rice.*

ADELBERT B. RICE, sworn, testifies as follows:

1. Question. Where do you reside?—Answer. In Hamilton.

2. Q. What is your age?—A. Thirty years.

3. Q. For whom did you vote at last election?—A. Mason.

4. Q. Balance of ticket what?—A. I can't say all. John Hannon one.

5. Q. Did you have an interview with Austin Tibbitts on election day?—A. I did.

6. Q. State fully what occurred and where it occurred.

(Objected to. Not rebutting evidence, but affirmative proof. Incompetent and hearsay, being in Judge Mason's absence. Objection overruled.)

A. I will state it as near as I can recollect it. I met him between Woodruff's and Randolph's. Tibbitts says, "Have you voted?" I said, "No;" I said, "Somebody has got to pay me for voting." He said, "Who you going to vote for?" and I said, "For the man who will give me a half-dollar." He said, "I will give you a half-dollar," and he gave me a half-dollar. He says, "I will take that out in meat;" I said, "Who do you want me to vote for?" he said, "For Mason;" I said, "I voted for Mason this forenoon;" he said, "I will come around and get that meat"—this is the substance of conversation—I said, "All right." That is all.

7. Q. Did he say "I will take that in meat" more than once?—A. I think twice.

8. Q. Did he hand you a Mason ticket, or any tickets?—A. No, sir.

9. Q. I take it you were in fun or playing a trick on him?—A. If that is what you call it, yes.

10. Q. Then, if that be so, I take it that you supposed him to be earnest, did you not?—A. I don't know.

11. Q. My question was not what you knew, but as to what you at the time and before you told him you had voted supposed him to be, whether in earnest or not?—A. My opinion was that he was working for Mason.

12. Q. We now have your opinion. My question is, what did you at the time suppose, before you told him you had voted, as to whether you thought him in earnest or not?

(Objected to as incompetent, and what the witness thought or his opinion is improper. 3d. Hearsay. 4th. The fact that immediately after Tibbitts handed witness the fifty cents, and before knowing that

the witness had voted, his saying that "I will take that in meat" shows clearly that he was in earnest. Same ruling.)

A. I don't know; it's hard work to judge men nowadays.

13. Q. I am aware you do not know; but what did you then think before you told him you had voted?

(Same objections; same rulings.)

A. My opinion was that he was working for Mason.

14. Q. Have you since said to him in words or substance, since he gave his testimony, that if it was not for Mason's sake you would show him up, or something like it?

(Objected to. 1st. The counsel cannot cross-examine his own witness. Not rebutting evidence. 3d. Their conversation in Mason's absence cannot prejudice him; and incompetent. Same ruling.)

A. We had a little jangle over to Park House.

15. Q. Did you say that to him in substance?—A. I might or might not; little excited, I guess, at the time.

16. Q. Are you quite friendly to Judge Mason?—A. Yes.

17. Q. Now, did you ask Mr. Tibbitts, the fore part of that conversation, "What are you paying for votes to-day?"—A. No, I guess not.

18. Q. When you met him were you then aware of the fact, or did you suppose he was at work for Mason?—A. Yes.

19. Q. How long before had you known it?—A. In the forenoon.

20. Q. Did you understand before election day that he was agoing to work or vote for Mason?—A. No, sir.

21. Q. I repeat the question; before you told him you had voted, did you think him in earnest?

(Same objections. Same rulings.)

A. It's hard work to judge.

22. Q. You may judge correctly or incorrectly. What did you then think, before you told him you had voted?

(Same objections. Same rulings.)

A. I took him to be at work for Mason. I can't answer it further.

#### Cross-examination:

23. Q. Before election, did you know or understand anything about who Mr. Tibbitts intended to vote for or work for, or whether he intended to support Mr. Mason or not?—A. No.

24. Q. Did you see Mr. Tibbitts at polls at different times on election day?—A. Yes.

25. Q. Do you know that Tibbitts was not aware of the fact that you had voted at the time of this conversation?—A. I don't know.

26. Q. How long have you been acquainted with Tibbitts?—A. About ten years or more.

27. Q. Is he a blacksmith?—A. Yes.

28. Q. You was not in earnest, but was joking with him when you had that conversation?—A. Yes.

29. Q. And do you know that he did not appreciate the fact that you was joking, and what he said and did was also intended by him as a joke?—A. I don't know; it's hard work to judge him.

30. Q. Did you hear him testify on this investigation?—A. No, sir.

31. Q. Do you understand that he testified that he considered it all a joke on his part?—A. No, sir. I heard nothing about it.

32. Q. What time in the forenoon did you vote?—A. I don't know; between ten and eleven, I guess.

33. Q. Do you know where Tibbitts then was?—A. I don't know.

34. Q. Were you not the first one that spoke about your being paid



for voting, and was not that said in a joking manner; and prior to that had he said one word about pay?—A. I spoke of it first, and spoke it out publicly. Two or three heard it; I intended it as a joke myself; I can't say for him.

35. Q. Name some of the persons that were present when you said what you did in that public manner?—A. One John Kennedy and one Fitzpatrick; don't know as there were others there.

36. Q. What was John Kennedy's politics?—A. Don't know.

37. Q. Is it the John Kennedy that is now in Brooklyn?—A. Yes.

38. Q. And when you said in this public manner that you was agoing to vote for the man that would give you a half-dollar, you intended it as a joke?—A. I did.

39. Q. And thus intending it on your part, he handed you a half-dollar?—A. He did.

40. Q. And immediately after handing you the half-dollar he said he would take that in meat?—A. He did.

41. Q. And did he say that he would take that in meat before you told him you had voted?—A. Yes.

42. Q. When he said that he would take that in meat, you understood, did you not, that he had reference to the half-dollar?—A. Yes.

43. Q. When handing you the half-dollar, he did not then, or at any other time, give you Mr. Mason's or any other ballots?—A. No.

44. Q. At that time was you the proprietor of a meat-market in the village?—A. Yes.

45. Q. And did Mr. Tibbitts buy meat of you at that market?—A. He did.

Redirect:

46. Q. You took the half-dollar and kept it, did you not?—A. I did.

47. Q. You turned a little part of it on balance he owed you and took rest in meat?—A. No; I will explain: The next day or two he came into the shop while I was out; and when I returned, Mooney, my man, said Tibbitts came in and got thirty cents' worth of meat, and said, "Is that all right?" I said, "Yes; don't let him have over half a dollar's worth."

48. Q. You did not tell Mooney what that meant, did you?—A. No, sir; if anybody comes in after meat I don't tell Mooney about it.

49. Q. So far as you know, did this transaction between you and Tibbitts remain a secret until after this investigation commenced?—A. No, not on my part; I can't say.

50. Q. Did you tell it to Mr. Thaddeus Leonard?—A. I presume so. He knows most all I know.

51. Q. Did you request him, and did he promise, not to speak of it?

(Objected to. Contestant cannot make evidence against Judge Mason by proving private conversations between the witnesses in absence of Mason. Same rulings.)

A. I presume I told him to keep his mouth.

52. Q. Did you, after you heard it was known, charge it upon him and tell him he had no business to have told of it?

(Same objections and same rulings.)

A. No.

53. Q. Do you know how it became known?—A. I heard Tibbitts telling of it.

54. Q. Was that after you had told Leonard?—A. I don't know; I don't remember.

55. Q. Did Tibbitts reprove you for telling of it?—A. No.

56. Q. How near were these men to you?—A. Half the width of street each way.

57. Q. You say you intended it as a joke; did you mean to let him know before you told him that you had voted that you were joking?

(Objected as before. Same ruling.)

A. I did not pretend anything to him.

58. Q. Do you know those gentlemen heard what you said?—A. I don't.

59. Q. Where did they stand?—A. On Randolph's corner. They were looking at me and laughing.

60. Q. Had you just passed them?—A. I don't know.

61. Q. Did you not, as you passed them, say to them you was agoing to try Tibbitts?—A. No.

62. Q. Have you ever sold Austin Tibbitts in that way before or since?—A. No.

63. Q. Have you ever sold meat or opened an account in that way with anybody else?—A. No.

Recross:

64. Q. You say Tibbitts told of this transaction?—A. Yes.

65. Q. And you also told of it?—A. Yes.

66. Q. It was no secret on your part then?—A. No, not a very private secret.

Redirect examination:

67. Q. Who did you hear Tibbitts telling of it?—A. It was in Lippitt's store, and Thaddeus Leonard was hinting about it.

68. Q. Then it was after you had told it to Leonard, was it not?—A. Yes.

69. Q. Can you say that that fact had ever become public until after you told it to Leonard?—A. I don't know.

70. Q. Had you ever heard of it or heard it spoken of from election day until after you told it to Leonard?—A. I can't say; I don't know.

Recross:

71. Q. Can you say that the gentleman who stood upon the walk did not hear the conversation?—A. I don't know.

72. Q. Do you know that that conversation and transaction were not known by others before you met in Lippitt's store?—A. It was known by Leonard and perhaps others.

73. Q. Up to the time when Tibbitts gave you the half-dollar, and said, "I will take it out in meat?"—A. No.

Redirect:

74. Q. Did you as you met him know that he was at work for Mason?—A. Yes.

75. Q. Did you know that he was at work for others?—A. No. Mason was the important man.

Recross:

76. Q. Did you not know or understand that Mr. Tibbetts was at work for others?—A. No.

A. B. RICE.

Subscribed and sworn before me April 15th, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, New York.

*Deposition of Edwin R. Barker.*

EDWIN R. BARKER, sworn, testifies as follows:

1. Question. It has been proved that Mr. Duffy was assessed by the chairman of Greenback county committee, and paid it, and that is charged as evidence of corruption. Were you the chairman of the Republican county committee during last fall's campaign?—Answer. I was.

2. Q. Who was its secretary?—A. James S. Stewart.

3. Q. Both resided at Morrisville?—A. Yes.

4. Q. What assessment did this committee make for Mr. Mason to pay?—A. My impression it was \$200.

5. Q. Are you certain?—A. That is what I think about it.

6. Q. How much was Mr. De Lano assessed?

(Objected to, immaterial and irrelevant; same ruling.)

A. I think he was assessed \$150.

7. Q. How much did all the assessments amount to?

(Same objections and rulings.)

A. It was to the best of my recollection about \$700.

8. Q. Was it all paid into your hands?—A. No, sir; not any of it in my hands.

9. Q. Do you understand that it was all paid?—A. No, sir.

10. Q. What part of it do you understand was not paid?—A. Mr. Eddy was assessed something, and I understood was not paid; and Mr. White's, I was informed, was not paid; and I don't know that either have been paid. I think they were assessed \$50 each.

11. Q. Who do you understand the moneys were paid to?—A. To Otis Storrs, treasurer.

12. Q. In the capacity of county treasurer of Madison County?—A. No, sir.

13. Q. He also resides at Morrisville?—A. Yes; and is county treasurer of county.

14. Q. Did you have no voice in its distribution?—A. Yes.

15. Q. How, then, was it distributed?

(Same objections. Same rulings.)

A. Money was paid to different individuals.

16. Q. Name them so far as you can.—A. Mr. Van Slyck received about \$30; Mr. Waldron about the same. Mr. Van Slyck and Waldron are editors of the two Hamilton papers. Editor of Cazenovia Republican and editors of Oneida Dispatch about the same amount, and De Ruyter paper about same amount. Don't know as to Chittenango paper. All are Republican editors.

17. Q. Did your committee pay to all editors in county, irrespective of party, about same amount?—A. No, sir.

18. Q. Name the others who received.—A. There was money sent to different towns, probably to the committeemen of the towns, and to nearly every town.

19. Q. Was Cushman present?—A. I think he was, and was committeeman from Hamilton.

20. Q. About what did each town receive?—A. I should judge from \$20 to \$50.

21. Q. Do you remember how much Cushman received?—A. I don't know.

22. Q. For what purpose was this money sent to various towns?—A. For procuring teams to bring in the indigent vote.

23. Q. And you sent what you deemed necessary for that purpose?—A. We did the best we could from the amount.

24. Q. Did these disbursements include all the disbursements made?—

A. I think so, with one exception. We sent to De Ruyter, after Colonel Carter, a public speaker from abroad, and I sent team to Madison, thence to Canastota with him, and gave him \$10 to pay his railroad fare to Auburn.

25. Q. Did any of the candidates pay to this committee voluntarily more than they were assessed?—I don't know.

26. Q. Have you been so informed?—A. No, sir.

Cross-examination:

27. Q. How many towns are there in county of Madison?—A. Fourteen towns.

28. Q. You have named five papers that you think were paid \$30 each, making about \$150; that would leave, would it not, about the sum of \$550 to be distributed in the fourteen towns to be used in defraying the expense in procuring teams and getting out the indigent votes of the towns?—A. About that amount.

29. Q. And also to defray the expense in procuring speakers to address the people upon the political issues?—A. Yes.

30. Q. Was there ever any talk or suggestion, to your knowledge, that any of this money was to be used to buy votes or for any illegitimate purpose?—A. No, sir.

31. Q. Was the money paid to the publishers of the papers, as you have named, any more than a fair compensation for the legitimate work in printing ballots, bills, and posters that you understand they did?—A. No, sir; I don't think it was any more than fair compensation, and some claimed it was not enough.

32. Q. Do you not understand that the Democratic party are in the habit of and, in last campaign, did last fall make like assessments?—A. I understand it to be the rule of all parties.

Redirect:

33. Q. About what time in the canvass were the printers paid?—A. I think all, or nearly all, the Monday previous to election, the day before election, when they brought in their votes.

34. Q. Do you remember that was the case with Van Slyck and Waldron?—A. I think it was.

35. Q. Do you remember that Mr. Van Slyck got \$50 from the county committee about four weeks before election?—A. I know he did not.

36. Q. Then, as I understand you, the moneys had not been paid over to your committee at that time?—A. I think not.

37. Q. About how long before the election did Mr. Mason pay his assessment?—A. I can't state. I don't know.

EDWIN R. BARKER.

Subscribed and sworn to before me April 14, 1879.

S. E. SCRANTON, JR.,

Notary Public for Madison County, New York.

*Deposition of Alanson W. Bartle.*

ALANSON W. BARTLE sworn, testifies as follows:

1. Question. What are your politics?—Answer. A Democrat.

2. Q. Did you vote for Mr. Duffy?—A. Yes, sir.

3. Q. Do you know D. G. Wellington and W. K. Lippitt, of this place?—A. Yes.

4. Q. Mr. Wellington is a Republican?—A. Yes, I so understand.

5. Q. And was Mr. Mason's law partner?—A. Yes.

6. Q. Mr. Lippitt was chairman of Democratic county committee?—A. Yes.

7. Q. And do you understand that Mr. Lippitt was in the Democratic convention that nominated Mr. Duffy?—A. Yes.

8. Q. Soon after the election did you overhear a conversation between Mr. Wellington and Mr. Lippitt? If so, state as near as you can how long after election, where it was, and what it was.

(Objected to as incompetent and immaterial. 2d. Hearsay; being in the absence of Judge Mason, cannot affect him. Same ruling.)

A. I overheard a conversation some time after election. I can't tell how long. In Wilcox's saloon, in this village, I heard Lippitt say to Wellington he had not spent any of the money he got; and that he did not ask any one to vote for Duffy, but had the tickets, and if anybody wanted one he let them have it. Wellington did not say anything.

Cross-examination :

9. Q. The ballots for member of Congress were separate, were they not?—A. Yes.

10. Q. Were there any other names on that ballot?—A. No. And there was a separate box marked "Congress."

11. Q. You say Mr. Wellington was Judge Mason's law partner; was he not an honorable gentleman?—A. Yes.

12. Q. Mr. Lippitt did not mention what money, and you did not know what money he was speaking of?—A. No.

13. Q. I understand you were passing through the room in the saloon when you heard the remark?—A. Yes; I came in the back door with crackers and emptied them, and overheard this conversation. They were at a table, and had evidently been eating.

Redirect examination :

14. Q. Did you pay sufficient attention so that the remarks you heard you can swear to?—A. The remarks I have sworn to are correct.

A. W. BARTLE.

Subscribed and sworn to before me April 14, 1879.

S. E. SCRANTON, JR.,  
*Notary Public for Madison County, New York.*

WEDNESDAY, April 16, 1879.

It was agreed, in the presence of the notaries, that notice of the taking of depositions on the part of the contestee for April 22, 1879, at C. W. Underhill's office, and of the taking of depositions on the part of contestant, to be taken as soon as contestee's depositions are concluded, at Eagle Hotel or at Underhill's office, are to be deemed served, each party to give the other two days' notice of witnesses to be examined.

Adjourned.

S. E. SCRANTON, JR.,  
CHAS. W. UNDERHILL,  
*Notaries.*

We hereby certify that the foregoing depositions of John Rowland, Albert Dart, Frank Kennedy, Geo. Beal, Silas Bass, C. W. Stapleton, E. J. Enos, J. E. Wedge, Edward Lamb, Andrew Clark, La Mott Smith, M. Z. Wedge, E. F. Grosvenor, A. N. Sheldon, James Frisbie, F. O. Berry, J. R. Dygert, E. R. Barker, A. W. Bartle, James Gilboy, and A. B. Rice were taken by us on Monday, Tuesday, Wednesday, Thursday,

and Friday, the 7th, 8th, 9th, 10th, and 11th days of April, and on Monday and Tuesday, the 14th and 15th days of April, 1879, at the Eagle Hotel, in the village of Hamilton, Madison County, N. Y., except that the deposition of John Rowland was taken before the said Scranton in the absence of Notary Underhill, and that the said depositions are correct and true as written in the foregoing pages.

Witness our hands and seals this 16th day of April, 1879.

[SEAL.]

S. E. SCRANTON, JR.,  
*Notary Public for Madison Co., New York.*

[SEAL.]

CHAS. W. UNDERHILL,  
*Notary Public for Madison Co., New York.*

OSWEGO COUNTY.

STATE OF NEW YORK,

*Oswego County :*

We, Daniel J. Van Auken, sr., and David P. Morehouse, notaries public of the county of Oswego aforesaid, the said David P. Morehouse having been selected by Joseph Mason, contestee, to officiate with the said Daniel J. Van Auken, sr., the officer named in his annexed notice, in taking of the depositions mentioned therein under the provisions of chapter 8, title 2, section 108, of the Revised Statutes of the United States of America, do hereby certify that D. J. Van Auken, jr., and Robert M. Rogers, jr., appeared before us, pursuant to the annexed notice, as witnesses on the part of Sebastian Duffy, the contestant in said notice mentioned, and were by us severally sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of the contest in said notice mentioned; that we caused the testimony of said witnesses, together with the questions propounded to the witnesses, severally, by the agents of the parties, and the answers of the witnesses and each and every of them, which testimony and questions and answers thus reduced to writing we caused to be duly attested and subscribed by said witnesses severally in our presence and in the presence of the agents of the parties; that testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto attached. and was continued from day to day, as provided in said notice.

And we further certify that the testimony of said witnesses and each and every of them, and said questions and each and every of them so propounded to each of said witnesses, and the answers of said witnesses and of each and every of said witnesses to the questions so propounded to them, severally appear in the schedule hereto annexed and marked Exhibit 7, contestant's testimony.

Dated Oswego City, May 5, 1879.

D. J. VAN AUKEN,  
*Notary Public.*

D. P. MOREHOUSE,  
*Associate Notary Public.*

*Exhibit No. 7.*

UNITED STATES OF AMERICA,

*City and County of Oswego, State of New York :*

To Joseph Mason, esq., and John J. Lamoree, his agent or attorney, authorized to take testimony and examine witnesses for contestee and in his behalf.

Please to take notice that under the provisions of chapter 8, title 2, section 108, of the Revised Statutes of the United States of America,

the undersigned, Sebastian Duffy, contestant, will proceed to take the depositions of the following-named persons, all of whom reside in the city of Oswego and county of Oswego, N. Y., unless otherwise noted, to wit: R. M. Rogers, jr., of Hannibalville, Oswego County; D. J. Van Anken, jr., Hannibalville, Oswego County; and that such depositions will be so taken at the American House or hotel, at Hannibalville, Oswego County, N. Y., before one D. J. Van Auken, a notary public in said city and county of Oswego, on the 24th day of April, 1879, at the hour of nine o'clock in the forenoon of that day; and that the taking of said depositions will continue in said Hannibalville, Oswego County, N. Y., at the same place and at the same hour in each day (Sundays excepted) until the same shall have all been taken on the part of the contestant.

Dated April 19, 1879.

SEBASTIAN DUFFY,  
By H. D. BAKER, *Att'y*.

Personal service of within notice to take deposition admitted this 19th day of April, 1879.

J. B. ALEXANDER,  
*Att'y for Mason.*

STATE OF NEW YORK,  
*Oswego County:*

We, Daniel Van Auken, sr., and Chester O. Case, notaries public of the county of Oswego, aforesaid, the said Chester O. Case having been selected by Joseph Mason, contestee, to officiate with the said Daniel J. Van Auken, the officer named in the annexed notice, in the taking of the depositions mentioned therein under the provision of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America, do hereby certify that John Fitzgerald, John Garrahan, John B. Higgins, Bartholomay Lynch, John Dowdle, appeared before us pursuant to the annexed notice mentioned, and were by us severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned. That we caused the testimony of said witnesses, together with the questions propounded to the witnesses severally by the agents of the parties, and the answers of the witnesses, and each and every of them, which testimony and questions and answers thus reduced to writing we caused to be duly attested and subscribed by said witnesses severally and in our presence and in the presence of the agents of the parties.

That testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions which is hereto attached, and was continued from day to day as provided in said notice.

And we further certify that the testimony of said witnesses and each and every of them, and said questions and each and every of them so propounded to each of said witnesses, and the answers of said witnesses and of each and every of said witnesses to the questions so propounded to them, severally appear in the schedule hereto annexed.

Dated at Oswego, May 5, 1879.

D. J. VAN AUKEN,  
*Notary Public.*  
CHESTER O. CASE,  
*Notary Public.*

UNITED STATES OF AMERICA,  
*State of New York, City and County of Oswego :*

To Joseph Mason, esq., and John J. Lamoree, attorney for said Joseph Mason:

Please to take notice that under the provisions of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America the undersigned, Sebastian Duffy, contestant for the seat in the House of Representatives of the United States of America from the twenty-fourth Congressional district of the State of New York, will proceed on the 17th day of April, A. D. 1879, at the hour of 9 o'clock a. m., at the office of Wm. Tiffany, No. 28 Arcade Block, East Bridge street, in city of Oswego, N. Y., to take the depositions of the following named witnesses in rebuttal, residing in the city of Oswego, N. Y., unless otherwise noted, to wit: John Fitzgerald, John Garrahan, John B. Higgins, Bartholomay Lynch, D. J. Van Auken, jr., R. M. Rogers, jr., John Dowdle, George Allen, Daniel L. Wilder, Sylvester C. Huntington, Andrew Hogan, Alfred Lovelace, Alexander Lamon.

That said depositions will then and there be taken by and before D. J. Van Auken, a notary public, and that the taking of said depositions will continue from day to day thereafter at the same hour and place.

Yours respectfully,

SEBASTIAN DUFFY,  
 By H. D. BAKER, *Att'y.*

Dated at Oswego City, N. Y., April 10, 1879.

Personal service admitted this 11th day of April, 1879.

*Att'y for Contestee.*

#### CONTESTANT'S TESTIMONY IN REBUTTAL.

APRIL 17, 1879, at 9 a. m.

#### *Deposition of John Fitzgerald.*

JOHN FITZGERALD SWORN :

2866. Question. What is your age, residence, and occupation?—Answer. Age, forty-five; residence, third ward, city of Oswego; occupation, constable and accountant.

2867. Q. What have been your politics for the last five years?—A. Partially Democratic.

2868. Q. Did you support Mr. Duffy last fall for member of Congress?—A. I did. I belonged to the Greenback party.

2869. Q. Did you at any time electioneer for Mr. Mason last fall?—A. I did not.

2870. Q. You voted in the third ward?—A. I did.

2871. Q. Were there any of the starch-factory bosses there at the polls during the day electioneering for the Republican ticket?

(Objected to on the ground that the evidence by the statute is limited to evidence in rebuttal; that evidence cannot be given by the contestant upon this subject, since evidence was given by him during the past forty days; were present on that day, and that evidence cannot be given thereto; and that this evidence is not in rebuttal and cannot be received.

Contestant claims in answer to that, that certain starch-factory bosses



swore they were not present at the polls, as they allege, at the last election.

The counsel for contestee says that no boss or bosses claimed to have been present at the third ward polls on the day of election, and ask the counsel to name the person so present, and refer to the evidence which it is claimed this is in rebuttal. Notaries disagree.)

A. There was; and—

2872. Q. Who were they?

(Objected to as before, and same ruling.)

A. Rassmusson and Mr. Sumner.

2873. Q. State whether one of them usually, on that day of election last fall, stood inside of the room where the balloting was going on.

(Same objection and same ruling.)

A. They were not inside; they were outside, both of them; they were in the room where the men stood.

2874. Q. Did the men at the polls then stand outside, depositing the ballots?—A. They did.

2875. Q. Is it a usual thing for Mr. Rasmussen and Sumner, or one of them, standing near where the balloting was going on or in sight?

(Objected to as before, and same ruling; and further, that no evidence was given by the contestee upon that subject.)

A. I can't say so.

2876. Q. Did you notice whether the starch-factory men generally got their ballots of Rasmussen or Sumner?

(Objected to as before, and same ruling.)

A. I did not notice in particular whether they did or not.

2877. Q. They were both engaged in peddling Republican tickets?

(Objected to as before, and same ruling.)

A. Yes.

2878. Q. You were peddling tickets also?

(Objected to as before.)

A. I was.

2879. Q. And you were peddling in part Greenback, in part Democratic, and in part Republican tickets?

(Objected to as before, and same ruling.)

2880. Q. Did you say in the presence of Calvin Sumner that you had not, would not vote for Duffy, or anything to that effect?—A. I did not.

2881. Q. Did you say in the presence of Sumner that you had voted for Mason or would vote for him?—A. I did not.

Cross:

2882. Q. At the third ward polls the Democratic and Republican ticket distributors stand mingled together on the sidewalk and south of the building in which the polls are kept?—A. They do.

2883. Q. And the ballots are received by the polls through a window on the west side, are they not?—A. They are.

2884. Q. About how far is it from the sidewalk to that window?—A. About twenty-five feet or over.

2885. Q. Do you know of any money being paid by Mr. Duffy, or in his interest, for election purposes for or at the time of last fall's election?

(Objected to as a part of contestee's case, and should have got the evidence therein in the forty days, and can't now open the case.

Contestee insists that it is as much in rebuttal as the previous evidence given by witness. Notaries disagree.)

A. I know of no money paid.

2886. Q. Did you hear of any such money; and, if so, to whom did you hear it was paid, and in what sums, and for what purpose?

(Objected to as before, and same ruling.)

A. I heard of one man getting money. Thomas H. Martin was the man, and I can't tell for what purpose; got of committee greenback; \$10 was the amount.

2887. Q. From whom did you understand it was received?

(Objected to as before. Same ruling.)

A. From Mr. John Dowdle, who was then the Democratic and Greenback candidate for county treasurer.

Redirect:

2888. Q. When did you hear that Thomas Martin received \$10 from John Dowdle?—A. I heard it on election day and after, and that he received it the night before the election.

2889. Q. Where does Thomas Martin reside?—A. In the third ward, on Sixth street.

Recross:

2890. Q. Was not the election in the third ward last November a quiet election?

(Objected to as not proper subject of cross-examination.)

A. It was.

2891. Q. Was it not, as far as you observed, a fair election?

(Objected to as before.)

A. It was.

2892. Q. Did you see anything that day at the polls—an attempt by any one to intimidate or improperly influence any one at that poll?

(Objected to as before.)

A. I did not.

JOHN FITZGERALD.

Subscribed and sworn to April 17, 1879.

D. J. VAN AUKEN,  
*Notary Public.*

C. O. CASE,  
*Associate Notary Public.*

By consent adjourned to 2 p. m. April 17, 1879.

Two p. m., met pursuant to adjournment.

*Deposition of John Garahan.*

JOHN GARAHAN sworn.

2893. Question. What is your age, residence, and occupation?—Answer. Age, 48; residence, sixth ward, city of Oswego; occupation, night watch for merchants and D. L. and W. last 2½ years.

2894. Q. Where did you reside before you were at the sixth, present residence?—A. Third ward.

2895. Q. How long did you reside in the third ward?—A. I moved from the third about two years since; I resided in the third ward about fifteen years.

2896. Q. Where was you born?—A. In Ireland.

2897. Q. When was you naturalized?—A. I never was, except that my father was naturalized.

2898. Q. Was you a voter all the time you lived in the third ward?—A. Yes, sir.

2899. Q. What are your politics?—A. Democratic.

2900. Q. Have you taken an active part in politics?—A. I have for some 20 years past.

2901. Have you during all that time been well acquainted with the political predilections and character of the great bulk of the adopted citizens in Oswego of Irish birth?

(Objected to as before; reopens the case, and improper and immaterial, irrelevant and incompetent.)

A. I have and am.

2902. Q. Now what have been during all that time and are now the political predilections of the great bulk of the Irish citizens of the city of Oswego?

(Objected to same as 2901.)

A. Generally Democratic.

2903. Q. Do not and have not nearly all of the citizens of Oswego of Irish birth uniformly or nearly uniformly voted the Democratic ticket during all of that time except those who were in the employ of the Oswego starch factory company or its associate works, or of those in the employ of Thompson Kingsford?

(Objected to for all the reasons last above stated.)

A. I believe as a general thing, I believe they vote the Democratic ticket outside the starch factory.

2904. Q. Are you acquainted with William I. Rasmussen?—A. I am.

2905. Q. Do you remember one occasion upon an election day, when your son, William J., was running for inspector of election?—A. I do.

2906. Q. When was it?—A. A year or two ago this spring.

2907. Q. Do you remember having a talk with a starch-factory man and an Irishman?—A. I do, sir.

2908. Q. Was it on the day of election?—A. It was.

2909. Q. What ticket was your son running on?—A. Democratic.

2910. Q. State the place.—A. It was between Mott's bank, private door, and the polls of election.

2911. Q. State the conversation between you and the person you was trying to get to vote for your son, and you and Rasmussen, and between him and Rasmussen?

(Objected to as not proper evidence in rebuttal and reopening the case for contestant; as hearsay, incompetent, and improper, and the contestee will claim the right to take evidence in answer.)

A. I was talking with this man between the polls of election and Mott's door; I asked him, I says, my son William is running for inspector of election and I would like to have you vote for him, if he could; he said I know him; I would like to vote for him; then Rasmussen came up and interfered, and said he must not vote for him, and he wanted to vote the straight ticket, and gave him a Republican ticket; he peddles nothing else.

2912. Q. Did they leave you together and go in the same direction, and toward the polls?—A. They did.

2913. Q. Was this William I. Rasmussen working in the starch factory?—A. Yes.

2914. Q. And was this man the same who usually tended the polls in the third ward?—A. Yes.

Cross-examination:

2915. Q. How long since you have been present at the polls in the first ward on election day?—A. I can't tell.

2916. Q. Is there a single Irishman living in the first ward of whom you know how he voted for the last five years?—A. I can't tell.

H. Mis. 23—59

2917. Q. Can you tell of a single Irishman whom you know how he voted in the second ward of this city at any time within the last five years?—A. I don't know about the second ward, politically.

2918. Q. Have you been present at the polls in the second ward at any time within ten years?—A. I think I have not, except once at a school-commissioner election five or six years ago.

2919. Q. Do you not know that there are influential Irishmen in the second ward that vote the Republican ticket?—A. They say so; I can't tell who they are.

2920. Q. Have you ever been at the polls in the seventh or eighth ward on election day?—A. No.

2921. Q. Have you ever been in the fourth ward at the polls on election day since it was formed?—A. I think not.

2922. Q. Was you ever at the polls in the fifth ward on election day?—A. No.

2923. Q. Will you swear that there are not influential Irishmen in every ward in this city who regularly support the Republican ticket?—A. I will not.

2924. Q. Is not Alderman Hennessey, of the fifth ward, an Irishman?—A. I can't answer; I suppose he is an Irishman.

2925. Q. Don't you know or understand that he ranks in the board as a Republican?—A. I can't tell; he is called a Republican.

2926. Q. What is the name of the man you talked with near Mott's?—A. I can't tell.

2927. Q. Where does he live?—A. I can't tell.

2928. Q. Did you see Rassmussen give him a ticket?—A. I did not.

2929. Q. Did you see this man at all at the poll on that day?—A. No.

2930. Q. Have you any knowledge as to whether the man voted on that day?—A. I have not.

2931. Q. Do you know whether the man was a Democrat or Republican?—A. I don't know.

2932. Q. Do you know whether the man had ever been at work in the starch factory?—A. I do not know positively.

2933. Q. Have you any knowledge whatever on the subject?—A. Not positively.

2934. Q. Give me any knowledge you have on the subject?—A. I have no knowledge.

2935. Q. Can you swear that one-half of the Irishmen in the fifth ward do not vote the Republican ticket?—A. I cannot.

2936. Q. How many years since you have been in the Oswego starch factory?—A. I don't know.

2937. Q. Can you swear that you have been in the starch factory within fifteen years?—A. I can't tell.

Redirect:

2938. Q. Did you understand this man, who you asked to vote for your son and went away with Rassmussen, was a starch-factory man?—A. That was my opinion, that he was a starch-factory man, or he would not interfere in so small a matter as inspector of election.

2939. Q. Mr. Rassmussen was in the way of seeing to the starch-factory men ever since I have known him at the polls.

(Objected to as improper and immaterial.)

A. That is his reputation, of looking after starch-factory and other voters.

2940. Q. Has he been accustomed in the third ward of giving his

special attention to starch-factory voters?—A. I can't say as he gives special attention, but he gives the starch-factory men their votes.

2941. Q. Was he accustomed to approach and solicit Irish-born citizens' votes who did not work in the starch factory?

(Objected to as above stated.)

A. I can't answer to that.

2942. Q. Why, then, did you infer that this man was a starch-factory man from his interfering?

(Objected to as immaterial, irrelevant, and improper, and is not proper evidence in rebuttal.)

A. Because Mr. Rassmussen never interfered with me at the polls unless they were starch-factory men.

2943. Q. Did the man's dress indicate in any way that he worked in the starch factory or any of the works of the starch factory?—A. I can't say as it did.

2944. Q. Did you offer him any ticket to vote?—A. I did not.

2945. Q. Did any altercation occur between you and Rassmussen?—A. Nothing more than I have said.

Recross:

2946. Q. Mr. Rassmussen is an active worker at the polls, is he not—working for the whole Republican ticket and with any one whom he saw approaching the polls with whom he thought he could have any influence?—A. That is my opinion.

2947. Q. That was his course, was it not, all the time you lived in the third ward?—A. I think it was.

2948. Q. He was a fair and gentlemanly man at the polls?—A. He was.

2949. Q. Did you ever see him browbeat or intimidate any person at the polls or attempt to improperly influence?—A. No; except one.

2950. Q. Your only reason for thinking this man was a starch-factory man was because Rassmussen spoke to him, was it not?—A. Yes.

2951. Q. Have you not seen Rassmussen on many occasions try to influence other parties to vote the Republican ticket who you knew did not work in the starch factory?—A. I did not, according to my knowledge and belief.

2952. Q. Was he there usually through the entire day?—A. Yes; as a general thing.

2953. Q. He was an active worker at the polls?—A. Yes.

2954. Q. And his principal business was offering tickets to persons that came to the polls to vote?—A. I suppose so.

2955. Q. To about how many persons would he offer tickets through the day?—A. I can't tell how many.

2956. Q. Would it be 200 that he would offer tickets to through the day?—A. I can't tell.

2957. Q. Would it be more or less than 500?—A. I can't answer.

2958. Q. Have you any idea how many starch-factory voters there are in that ward?—A. I can't tell.

2959. Q. Do you know of five who lived in that ward and worked in the starch factory?—A. I can't tell.

2960. Q. Can you name one who lived in that ward for the last five years, in the starch factory, who was not a Republican?—A. I can't tell.

Redirect:

2961. Q. Did you know of any influential Irishman in Oswego City who you have reason to believe, and do believe, voted or regularly supported the Republican ticket?—A. No; unless it is Joe Dempsey.

## Recross:

2962. Q. Do you know the Hon. Charles North?—A. Yes.

2963. Q. He is a man of great influence, is he not?—A. I can't answer that.

2964. Q. He has been mayor of the city of Oswego and member of assembly and chairman of Republican committee?—A. Yes.

2965. Q. The late Peter McCan was an influential Irishman and Republican in the second ward, was he not?—A. I don't know.

## Redirect:

2966. Q. Col. Joseph Dempsey is an Irishman and a Republican, is he not?—A. Yes.

2967. Q. Is Mr. North a man of influence among the Irish in the city of Oswego?—A. I can't answer.

2968. Q. Is Joseph Dempsey known as a man of influence among the Irish in Oswego City?—A. I don't think he has so much influence with the Irish as Americans.

2969. Q. Mr. North never associates with the Irish much, does he?—A. No; except election times. He then comes and talks Irish to them.

## Recross:

2970. Q. Can you name a single Democratic employer in this city who has two Republicans in his employ?—A. I can't answer.

2971. Q. Can you name a Democrat in this city who has two men in his employ who are voters?—A. I can't tell of any and won't answer it.

JOHN GARAHAN.

Subscribed and sworn April 17, 1879.

D. J. VAN AUKEN,  
*Notary Public.*  
C. O. CASE,  
*Associate Notary Public.*

Adjourned to 9 a. m., April 18, 1879.

April 18, 1879, met pursuant to adjournment, at 9 a. m.  
By consent, further adjourned to 2 p. m.

April 18, 1879, at 2 p. m., met pursuant to adjournment.

*Deposition of J. B. Higgins.*

JOHN B. HIGGINS sworn for contestant.

2972. Question. What is your age, residence, and occupation?—Answer. Age, fifty-three; residence, Oswego City; occupation, attorney and counselor-at-law, eighth ward, East Seventh street, No. 134.

2973. Q. You have been an active Democratic politician in the county of Oswego for a good many years, have you not?—A. I have been a Democrat and sometimes acted with them in political and private affairs.

2974. Q. You were born where?—A. In the city of New York.

2975. Q. In what month did you come to Oswego to live?—A. In March, 1835, and have resided in Oswego County ever since.

2976. Q. You were elected justice of the peace, and if so, when?—A. In 1849, in the town of Mexico, where I then resided.

2977. Q. How long did you reside in Mexico?—A. In the year 1855.

2978. Q. You were elected district attorney for the county of Oswego, and if so, when?—A. In 1850.

2979. Q. You served out your term as district attorney?—A. The

office of justice became vacant when I accepted the office of district attorney.

2980. Q. When did you first move to Oswego City?—A. In 1855.

2981. Q. Have you resided in Oswego City ever since? And if not, state where you then resided.—A. I have resided here during all that time since 1855, except three years, during which time my residence was in the town of Scriba.

2982. Q. Have you held other public offices during the time you resided in this city and Scriba?—A. During the time I resided in this city during 1856 and 1861 I was deputy collector of customs for the port of Oswego, and between the years 1859 and 1862 I was the collector of customs for the city of Oswego, between one and two years after I was deputy. In the year 1874 I was elected to the office of recorder for the city of Oswego and held the office four years.

2983. Q. During the time you resided in Mexico was you a member of a Democratic organization committee?—A. I don't remember.

2984. Q. Was you ever a member of a Democratic county committee?—A. I have been.

2985. Q. How much of the time?—A. In 1856 I was chairman of a Democratic county committee. Since then I have since been on the Democratic county Congressional and senatorial committee; how often, I can't say—State senatorial.

2986. Q. Are you sufficiently acquainted with the management of political campaigns in the city of Oswego and the county of Oswego to form an opinion of the amount of money it would require to defray the expense of carrying the sick, poor, and infirm electors to the polls at the general fall election of 1878?

(Objected to as not rebuttal, immaterial, and irrelevant.)

A. Where I am acquainted I have an opinion, viz, in the eighth, sixth, fourth, and second wards.

2987. Q. How much, in your opinion, would be the necessary expense of carrying the sick, poor, and infirm electors in those wards—eighth, sixth, fourth, and second—to the polls on the day of the last fall general election?—A. I think two carriages would do all the work in these four wards. The amount of each carriage would be \$5 or \$6.

Adjourned to April 19 at 9 a. m.

April 19, 9 a. m., met pursuant to adjournment; present, Notaries Van Anken and Case; of counsel, Wm. Tiffany for contestant, and J. C. Churchill for contestee.

J. B. HIGGINS resumed.

2988. Q. How is your acquaintance in the wards on the west side of the river—first, third, fifth, and seventh wards?—A. With the mass of the people in those wards, my acquaintance is limited compared with this.

2989. Q. You were acquainted with those people during the time you were recorder of the city-list-poll, were you not, last fall?—A. Yes; four years lacking two months.

2990. Q. If there had been any marked difference between the wards on the east side of the river and the west side of the river of the poor, sick, or infirm, would you not have been likely to have known of it?

(Objected to as immaterial and improper.)

A. In some respects there might be a difference. I should speak in the affirmative, except the sick or infirm.

2991. Q. The population on the east side of the river in the four wards

is about the same as west side?—A. Is not much difference as a whole; there are more on the west side.

2992. Q. The population of the wards on the west side embraces or is spread out over about the same territory?—A. I think the west embraces a little the most.

2993. Q. General health of the west side has not materially varied from the east side, according to your best knowledge, information and belief?

(Objected to.)

A. It has not.

2994. Q. Upon which of the two sides of the river do the wealthier class of Republicans reside?—A. Judging from the assessed valuation it would be on the west side.

2995. Q. Judging from your knowledge of and acquaintance with the men?—A. On the west side.

2996. Q. In your opinion, upon which side of the river does larger portion of the poorer class of people live?

(Objected to.)

A. I can't answer that.

2997. Q. In your opinion is there any material difference as to the poorer class of people?—A. In proportion to the population I can see no reason for any difference.

2998. Q. Is there any reason that you knew of or of which you have heard why there should have been more infirm or sick people or electors on the west side of the river at the time of last fall's election than on the east side?—A. I know of no reason except the difference in population. I have not heard of any.

2999. Q. Can you tell what the population of the west side is and of the east side in numbers?—A. Yes; from 10,000 to 13,000 on the east side.

3000. Q. About what is the difference in the two sides in your opinion?—A. Not more than from 1,000 to 1,500.

3001. Q. Your office as recorder was on the west side of the river, was it not?—A. It was.

3002. Q. Is there any reason of which you know or heard why it should cost more to carry the sick, poor and infirm electors on the west side of the river to the polls in their respective wards on the day of last fall's election, in proportion to the number of population, than it would to carry the same class of electors in the wards on the east side of the river to the polls in their respective wards?—A. I think no material difference.

3003. Q. Are you sufficiently acquainted with the management of political campaigns in the country districts of Oswego County to be able to form an opinion what would be the expense ordinarily of carrying the sick, poor and infirm electors to the polls of the election districts, if money was devoted to that specific purpose only and not with reference to influencing the votes of other persons?

(Objected to as irrelevant and improper.)

A. I think I am.

3004. Q. In your opinion how much money, spent with ordinary care and economy and devoted to that purpose alone, would it require in the country towns to pay the expense of carrying the sick, poor and infirm electors to the polls in the various election districts where they reside?

(Objected to.)

A. I can only judge from my knowledge of the towns of Scriba and Mexico, and from my general knowledge of the county and the people generally. I should appropriate more in the towns than in the city; I



would put it at \$10 for each town where there is a single election district. I would add \$10 to that for the town of Volney.

3005. Q. In this estimate you include the expense of hiring a carriage to go after those people, do you not?—A. Yes; carrying them to the polls and taking them back.

3006. Q. If arrangements were made with other parties living in different parts of this town and going to the polls on the day of election themselves to bring the sick, poor and infirm electors to the polls and carry them back on their return, could it not be done at a much less expense?

(Objected to as improper.)

A. I can't tell or give any further light upon the subject.

3007. Q. Are the carriages they usually hire on such occasions generally employed by the day and used to hunt up and bring in those who are infirm in their political faith?—A. My observation is this: In the country a team is hired for the day to fetch those who neglect to come and bring in delinquents, and the poor and infirm covered by the statutes. They are brought in without regard to their being within the provision of the statutes in regard to bringing in the poor, sick, or infirm.

3008. Q. In employing teams to do this work in the manner you have stated in answer to the last question that you have estimated it would cost \$10 in each town, except Volney, and in that town \$2?—A. I don't make up my estimate from the manner of bringing in, but from the necessary expense of bringing them out.

3009. Q. You said it was necessary to go and see those voters before election?

(Objected to; immaterial and irrelevant and not in rebuttal.)

A. It must—a knowledge of this class must be arrived at in some way as to locality and condition.

3010. Q. Did you include the expense in reference to locality and condition in your estimate?—A. I did not.

3011. But you did base your estimate on the theory of sending teams and carriages from the locality of the polling places to the places of residence of the sick, poor and infirm voters to bring them to the polls, and sending the carriages to carry them back after they had voted, instead of employing parties living in the parts of towns where the various sick, poor and infirm voters reside to bring them in and carry them back after they had voted?—A. I did not contemplate any particular system.

3012. Q. Do you know Mr. Duffy?—A. I have known him since last January.

3013. Q. You knew of him before that?—A. I have heard of him.

3014. Q. You knew about his nomination by the Democratic convention last fall?—A. I heard of it.

3015. Q. Did you hear the question of his nomination discussed among Democrats previous to the time when it was made?—A. I did, considerably.

3016. Q. Did you hear the question of his nomination discussed by leading Democrats of Oswego City prior to his nomination?—A. I did, in the city and county.

3017. Q. What was the general sentiment expressed by the leading Democrats of the city of Oswego and the county of Oswego in relation to Mr. Duffy's nomination prior to such nomination?—A. Generally favorably.

3018. Q. Did you hear the question of his election much discussed among leading Democrats of the city of Oswego and the county of Os-

wego, after his nomination, prior to and upon the day of election?—A. I did not hear but little said about it.

3019. Q. You attended the polls on the day of election in the eighth ward, did you not?—A. I did all day substantially.

3020. Q. Upon what particular Republican candidates was the effort on the part of the Republicans in that ward apparently the most energetic?—A. I noticed a particular interest by two persons peddling Republican tickets for Judge Mason.

3021. Q. Who were those two persons?—A. Mr. Thaddeus Wilber and William Drury.

3022. Q. Did Wilber have teams then engaged in bringing electors to the polls?—A. I can't say he had or had not.

3023. Q. Is Wilbur a person who sometimes supports a part of the Democratic ticket?

(Objected to as immaterial, improper, and irrelevant, and not in rebuttal, and interest, and was a witness for contestant in this contest. Notaries disagree.)

A. All I know upon that subject is, four years ago I was Democratic candidate for recorder and he said he would vote for me, and afterwards said he did.

3024. Q. Have you heard that he sometimes supports part of the Democratic ticket outside of voting for you?

(Same objection.)

A. I don't think I have.

3025. Q. Does William Drury often support part of the Democratic ticket, as you understand?—A. I don't think he does. I think he also voted for me four years ago.

3026. Q. Do you know a man by the name of Cody, also one Brennan, of the eighth ward?—A. I know them; can't tell their Christian names.

3027. Q. What have been their politics for the last ten or fifteen years, as far as you know?

(Objected to as not in rebuttal.)

A. Democrats.

3028. Q. Where were they at work at the time of the last fall election, as you understood?

(Objected to as immaterial and irrelevant and not in rebuttal.)

A. I understood they were at work for Thomson Kingsford on his new building.

3029. Q. They reside in your ward, do they?—A. They did then.

3030. Q. Did you see them at the polls on election day?

(Objected to as before, and no evidence given by contestee upon this subject in reference to these men, and no foundation laid for rebuttal on the part of contestant, and should be excluded under the statute of the United States. The counsel for contestee asks the counsel for contestant to refer to any evidence to which the evidence now offered to rebut which this evidence is now offered. Answer. The proper place to discuss this question is before the committee of Congress, which is the only tribunal having any power to make any decision upon it, and that we have no time to spare in a useless discussion of the question here.

Counsel for contestee insists that the evidence should now be excluded unless contestant shows the evidence to be in rebuttal, and the evidence taken upon the last ten days, when the contestee would have no chance to rebut. Notaries disagree.)

A. I did.

3031. Q. Did you have any conversation with them at the polls, about

the time they cast their ballots, about voting, and how they were going to vote; and if so, what was that conversation?

(Objected to as hearsay and improper—the evidence.)

A. Mr. Brennan and Mr. Cody and another man with them all approached the place where the ballot-box stood, all having tickets in their hands; I stood near where the ballots were received; I saw they all had Republican tickets with Republican heading; I asked Brennan, and offered him one of my ballots, to vote for me; he shook his head and said, "I can't do it at this time;" I then offered Cody one of my tickets, who stood behind Brennan; he shook his head; the next man I did not speak to.

3032. Q. Did Cody and Brennan and the third man all come together—appeared to be in company?—A. They did; followed each other closely, and voted and went away.

3033. Q. Were all three of them known to you by sight as being Irish by birth, and residing in your ward?—A. Cody and Brennan were; I can't tell the other; I think he was Irish.

3034. Q. The tickets you offered those two men were tickets for yourself as recorder, were they?—A. They were.

3035. Q. You was, then, the Democratic candidate for re-election of the office of recorder, were you not?—A. I was.

3036. Q. The ticket for recorder is a separate ballot and separate box?—A. Yes.

3037. Q. Did you also have at that time Democratic tickets to give for the other candidates of the Democratic party, to give to those who desired to vote them?

(Objected to as immaterial, and as before.)

A. I did.

3038. Q. You did not offer them other tickets?—A. No.

3039. Q. Did you understand at that time, or suppose that Cody and Brennan were at work for Thomson Kingsford, or had you heard they were?

(Objected to as before.)

A. I think I had heard of it before, and thought so then.

Adjourned to 2.30 p. m.

2.30 p. m.—Met pursuant to adjournment; present, Notaries Van Auken and Case; of counsel, William Tiffany for contestant, and J. C. Churchill, for contestee.

3040. Q. Did you at that time recognize the man in company with Cody and Brennan as you knew as a Democrat?—A. I did.

3041. Q. Has it been generally understood by Democratic politicians and workers at the polls in the city of Oswego for the last fifteen years that it was useless to offer any voter, either a Democrat or Republican, who was at work in the starch factory of Thomson Kingsford, a Democratic ticket, or to vote it unless it was upon occasions that it was understood Thomson Kingsford favored the election of the person to be voted for?

(Objected to on the ground that it is not in rebuttal, and incompetent as evidence, and is the same matter inquired of nearly every witness called by contestant in this contest, and no right to open his case.)

A. Yes.

3042. Q. Was this the reason why you refrained from offering Cody and Brennan the other Democratic ticket being voted at that election?—A. Not exactly so, but because they had Republican tickets in their

hands; were at work for Thomson Kingsford, and concluded it would be idle to offer them Democrats' ticket.

3043. Q. Have you been accustomed to work at the polls in the city of Oswego for the last fifteen years?—A. Yes, always part of the day, and sometimes all day.

3044. Q. Will you state whether Democratic politicians and workers at the polls have abandoned all effort to get persons working in the starch factory or working for Thomson Kingsford, and known to be so working, to vote the Democratic ticket, to the best of your knowledge, information, or belief, except in a clandestine manner, and attaching Republican headings?

(Objected to for reasons above stated.)

A. I know nothing personally, except in the eighth ward it is regarded a useless effort to get starch-factory men to vote the Democratic ticket, and consequently the effort is not made, and I think, as far as reputation is concerned, it is so understood to be the case throughout the city.

3045. Q. What Democratic committee, by the rule of practice of the Democratic party, has the charge of assessing and raising moneys or carrying on the fall elections in Oswego County, and of the expenditure thereof?—A. None, except the Democratic county committee.

3046. Q. Is there or has there ever been since you have been in Oswego County politics any other committee since you have been acquainted with Oswego County, by the usage of the party, had any authority to make assessments or collect money to be expended in carrying campaigns in fall elections?—A. No; and none other.

3047. Q. Have you been acquainted with the Democratic county committee and its workings, largely, for fifteen years?—A. I have to some extent, most every year, in a general way.

3048. Q. Have you ever known or learned, or do you believe that that committee has within the last fifteen years raised any moneys or expended any moneys in conveying or procuring to be conveyed to the polls in the election districts of this county, or any of them, any voters, either sick or well, rich or poor, able-bodied or infirm?

(Objected to as immaterial and irrelevant, and not in rebuttal.)

A. I don't think they have, and never knew any raised or expended for that purpose, as far as I know or believe.

3049. Q. How much money have the Democratic county committee during that period usually raised and expended in carrying on the campaign at the fall elections?—A. I don't think they have raised not over \$150 to \$200.

3050. Q. Do you know how much was raised last fall by that committee; and if so, how much, last fall?—A. I was present when they adopted their plan.

3051. Q. How much did you understand they proposed to raise?

(Objected to.)

A. Enough to pay for printing.

3052. Q. Who was chairman of that committee?—A. George H. Goodwin of Mexico.

3053. Q. Who was treasurer of that committee?—A. John Barry, editor of the Palladium.

3054. Q. Do you know James Quigg?—A. Yes.

3055. Q. Does he sometimes work for Kingsford at the starch factory?—A. He told me last winter he did.

3056. Q. What has been his political status heretofore?

(Objected to as immaterial and irrelevant.)

A. A Democrat always.

3057. Q. About how old is he ?—A. About forty-five or fifty years.

3058. Q. In a conversation with you did he say to you in substance, while at work in the starch factory, that Mr. Baker, one of the starch-factory bosses, told him he better vote the Republican ticket or change his politics if he desired to retain his situation ?

(Objected to.)

A. He did not.

3059. Q. Did he say anything or any remarks pertaining to that subject ? And if so, state what he said, giving the time and place and the circumstances leading to the conversation.

(Objected to as above; improper and not in rebuttal; also immaterial.)

A. In my office, after the side of Mr. Mason was taken up, Mr. Quigg, in connection with other matters, in conversation upon that subject, said Mr. Baker, since he commenced work for Mr. Kingsford, at one time said, "Quigg, you had better change your politics."

Cross-examination :

3060. Q. What is the largest amount you have ever known to come to the hands of the Democratic county committee from all sources ?—A. I think the committee in 1876 received more than they had received at any other time up to election, and I think that was less than \$900.

3061. Q. Was not the committee sued for a considerable sum, for bills contracted by them in excess of that sum ?—A. I hear they were.

3062. Q. For how large a sum did you understand they were sued ?—A. I understand they were short \$500 or \$600.

3063. Q. Did not the Democratic county committee agree to let the people get out, then determine to leave the getting out the voters by the candidates for office ?—A. They made no provisions for getting out the voters and leave it to the candidates to get out the vote.

3064. Q. Was any assessment made on you at last fall's election ?—A. There was.

3065. Q. What was the amount of that assessment ?—A. \$10 or \$15.

3066. Q. What amount did you hear the committee assessed Duffy ?—A. I don't know.

3067. Q. Did you understand how much he contributed ?—A. I heard nothing about it.

3068. Q. Did you not understand that John Gardenier, the Democratic candidate for sheriff, spent a considerable sum of money at the last election ?

(Objected to.)

A. I heard Gardinier say in the Palladium office the election was costing him considerable money a day or two before election.

3069. Q. Did you not hear or understand that Morgan Van Buren, the Greenback candidate, was spending money ?—A. No; I heard them say he had money or would spend money.

(Contestant's counsel moves to strike out so much of witness' answer where he says he heard them say he had money or would spend money.)

3070. Q. Did you not hear or understand that John Dowdle, the Democrat and Greenback candidate for county treasurer, spent considerable money at that election ?—A. I did not hear he spent money, and never heard the subject alluded to as I remember.

3071. Q. Have you not heard or understood that Duffy spent money or contributed money for expenses of election ?—A. Not until within two or three days.

3072. Q. The office for which you was running last fall was a city of-

rice and not a county office, and the election of which was not under the control of the county committee?—A. The county committee procured the printing of the tickets, is all.

3073. Q. And you gave your attention to at that election, almost exclusively to the matter of your own election?—A. I did; whatever I did else was to help Gardenier, the Democratic sheriff.

3074. Q. How near was Cody to the poll when you first saw him?—A. Within five feet of the box and moving toward the poll.

3075. Q. How was Brennan—in front or behind Cody?—A. In front of him.

3076. Q. How near was Brennan to the poll when you first saw him?—A. Within three feet.

3077. Q. What is Cody's business?—A. Laborer.

3078. What is Brennan's business?—A. A laborer.

3079. Q. Had you seen them at work last fall before election?—A. I saw Cody at work on the streets; can't say as saw Brennan at work, unless in shade factory to get work, and after, I think, saw him there at work.

3080. Q. Have you any knowledge that either of them worked on the building of West Front and Seneca streets?—A. No personal knowledge.

3081. Q. Have you any knowledge of your own?—A. None whatever.

3082. Q. How lately had you seen Cody to work on the street?—A. Some time last summer.

3083. Q. Can you swear now that you knew any person previous to the 5th of last November that knew these men or either of them had been employed on that building or by Thomson Kingsford?—A. I can.

3084. Q. What one of them had you heard spoken of?—A. Cody; can't say as to Brennan.

3085. Q. Were these men inside the room when the election was held before you saw them?—A. Yes.

3086. Q. The ticket distributors at that poll distributed their tickets in the streets?—A. Yes; as a general thing they were outside.

3087. Q. Have you any knowledge as to who these men got their tickets of?—A. No.

3088. Q. What other persons were in the room at that time besides those three men and yourself?—A. There were quite a number; can't give the name of a single one.

3089. Q. How many tickets were being voted for at that election?—A. I think in city, six—State, judiciary, Congress, assembly and recorder.

3090. Q. Did these men, Brennan, Cody, and the other men, have all these tickets?—A. I don't know.

3091. Q. The heading of how many tickets in Brennan's hands did you see?—A. Three.

3092. Q. Can you swear you saw three different headings in his hands?—A. I think so.

3093. Q. Do you know so?—A. Yes, sir.

3094. Q. The heading of what three tickets did you see in his hands?—A. I can't tell how; don't know as I could then. I know they were not Democratic headings.

3095. Q. Is it possible for you to see the heading of three printed headings in his hands?—A. Yes; he held them fan-like in his fingers.

3096. Q. Can you name any one of the headings?—A. No; not now.

3097. Q. What did you say to Brennan as he was approaching the polls?—A. I turned round and saw his tickets in his hands. I handed him one of mine and said, "Brennan, can't you put that in?"

3098. Q. Did the ballot that you handed him have any other name on it than your own?—A. It did not.

3099. Q. What was Brennan's reply?—A. He either said "I can't do it this" or "I can't do it for you this time."

3100. Q. And were those the only words passed between you and those three men on that day?—A. They were, with this exception; when I handed my ticket to Cody—"Cody, what do you say?" He did not reply; shook his head. I am not certain that I said anything to him.

3101. Q. Did you see Brennan vote a year ago last November?—A. I can't tell whether I did or not.

3102. Q. Did you see him vote two years ago last November?—A. Can't tell. Same answer.

3103. Q. Can you name now any election prior to last November you saw Brennan vote at the polls?—A. I can't name the occasion.

3104. Q. How long have you known the Brennan of whom you speak?—A. Fifteen years.

3105. Q. How long have you known Cody?—A. About same time.

3106. Q. Did you see Cody vote at the election a year ago last November?—A. I think I did.

3107. Q. Do you recollect any circumstance of his coming and voting a year ago last November?—A. No.

3108. Q. By what majority was you elected four years ago last November?—A. About 400 over the Republican and about 1,000 over the Independent.

3109. Q. By what majority was you beaten last November?—A. About 400.

3110. Q. There were three candidates in the field last fall, the same as four years ago?—A. Yes.

3111. Q. Was not the nomination of Mr. Duffy distasteful to many Democrats in this city?

(Objected to.)

A. I can't tell about that.

3112. Q. Prior to the nomination being made did you not hear considerable number of Democrats opposed to his nomination?—A. I can't say as I did.

3113. Q. Can you say you did not?—A. Yes; I can say I did not.

3114. Q. Are there any reasons why you should not have heard it; and, if so, what were they?—A. The men who had charge and management of the organization were in favor of his nomination.

3115. Q. The Democratic party is divided in two divisions in this county, are they not?—A. Yes; but one is small as to influence and numbers.

3116. Q. Of how many tickets in the hands of Cody can you swear you saw the outside heading?—A. I can't say how many. I can't swear that I now remember that I saw any.

3117. Q. The Republican candidate for member of assembly ran largely ahead of his ticket in that ward?—A. He ran largely ahead of his ticket.

3118. Q. Did he not have 237 votes to 166 for Foot, the Democratic candidate, and 15 for Galen Ondeck, the Greenback?—A. That is so according to the official canvass.

3119. Q. There was no special effort made for the candidate for the court of appeals in that ward at that election?—A. No.

3120. Q. Did not the Republican candidate at the last November election in your ward receive 158 votes against 231 votes for the Democratic

candidate, and 31 votes for the Greenback candidate, and 1 vote for the Temperance candidate ?—A. Yes ; according to the official canvass.

3121. Q. And at the same election in the same ward did not Mr. Mason, the Republican candidate, receive 166 to 255 for Mr. Duffy, the Democratic and Greenback candidate ?—A. That was the result.

3122. Q. A change of four votes for any reason would account for the difference for member of the court of appeals and Mr. Duffy ?—A. It would.

Adjourned to Monday, April 21, 1879, at 9 a. m.

Monday, April 21, 1879, met pursuant to adjournment at 9 a. m. Present, Notaries Van Auken and Case; of counsel, William Tiffany for contestant, and J. C. Churchill for contestee.

April 21, 1879, further adjourned by stipulation to April 22, 1879, at 9 a. m.

April 22, 1879, met pursuant to adjournment at 9 a. m.

Continuation of J. B. Higgins's deposition.

Cross-examination :

3123. Q. How near was you standing to the place where votes were taken when Brennan voted ?—A. Within three feet.

3124. Q. What part of the day was you in that position or nearly that ?—A. Back and forth ; was not in that locality ten minutes during the day.

3125. Q. How large was the room in front of the polls through which the voters approached the polls ?—A. From twelve to fifteen feet.

3126. Q. What proportion of the day was you in that room ?—A. Probably not more than a sixth part.

3127. Q. Do you now remember of offering any Democratic votes to any one except for yourself ?—A. I think I did.

3128. Q. To how many did you offer ballots except your own during the day ?—A. From ten to twenty.

3129. Q. Can you name any of them without being asked to ?—A. I don't believe I can.

3130. Q. You was at that time recorder of the city of Oswego ?—A. Yes.

3131. Q. As such, all persons complained of for crimes and breaches of the peace would be brought before you, would they not ?—A. In the morning of each day.

3132. Q. As such recorder you held a court of criminal jurisdiction, did you not ?—A. Yes ; in conjunction with two aldermen.

3133. Q. Were not indictments pending there against electors of the eighth ward ?—A. I don't know that there was in recorder's court or any other court.

3134. Q. You say you don't know of any ?—A. I don't in any court from the eighth ward.

3135. Q. Did you consider your presence at the polls, distributing your own ballots and endeavoring to secure your own election to the office of recorder, as anything improper or as likely to intimidate or improperly influence any voter at that election ?—A. I did not, taking all things into account.

3136. Q. Did you consider it anything more than a right as a citizen ?—A. I considered I had a right to do it.

3137. Q. How many persons do you know of who reside in the eighth ward and were employed in the Oswego starch factory ?—A. Not one of my own knowledge.



3138. Q. Name any persons residing at that time in the eighth ward that you were informed and understand were employed in the Oswego starch factory last fall.—A. A man by the name of Sharp resided there; another by the name of Smith, and one O'Donnell; that is all.

3139. Q. What is the nationality of Sharp?—A. I think American-born.

3140. Q. What ticket did he vote last fall?—A. I don't know; he is a Republican.

3141. Q. What is Smith?—A. A naturalized citizen.

3142. Q. What ticket did he vote last fall?—A. I don't know; he is a Republican.

3143. Q. What is O'Donnell's nationality and politics?—A. Irish; the name may be O'Donnell or O'Connell; votes a Republican ticket; I don't know about his voting at the last fall election.

3144. Q. The polling place in the third ward of this city during a considerable part of the time was immediately across the street from the hall where you held your daily court as recorder?—A. Yes.

3145. Q. The chief of police was a Democrat all that time and had the power to issue warrants as well as yourself upon a proper complaint for any breach of the laws?—A. Yes.

3146. Q. And was not a majority of the police board and also the policemen Democrats?—A. They were evenly divided, Democrat and Republican.

3147. Q. Was any complaint ever made to you, in your official character as recorder, of any attempt to influence or intimidate employes of the starch factory?—A. There was not, nor brought before me on complaint of the chief.

3148. Q. Such an attempt, you understand, would have been a crime under the laws of this State?—A. I so understand it.

3149. Q. How long have you known personally Mr. Thomas Kingsford?—A. I have been acquainted with him more or less for eighteen years, and more particularly during the last few years.

3150. Q. Is he not regarded as a man taking a great and unusual interest in the success of his employes?—A. I am inclined to think he is a man that takes an unusual interest in his employes.

3151. Q. Have you not regarded and do regard it a particularly favorable circumstance to secure employment with Mr. Kingsford?—A. I do.

3152. Q. Do you not understand that persons securing such employment feel themselves fortunate in so doing?—A. I so understand and believe.

3153. Q. Is not the relation of employment more permanent there than most opportunities for the employment of labor?—A. I do.

3154. Q. From what you have known of Mr. Kingsford, have you not regarded him as a law-abiding citizen, and during your term as recorder have you not regarded him as a law-abiding citizen, and who could be relied on in any necessary effort to enforce the laws?—A. Yes.

3155. Q. From your knowledge of Mr. Kingsford, do you believe he would attempt to intimidate or improperly influence any employé from voting as he desired or conscientiously ought to do?—A. From my knowledge of him personally, character and characteristic, I should judge he would not.

3156. Q. How long have you resided in the eighth ward?—A. Since 1861, with the exception of three years.

3157. Q. How large in territory is that ward?—A. Nearly two miles long and more than a mile wide.

3158. Q. What is the population?—A. Between 3,000 and 4,000.

3159. Q. About what is the registered vote?—A. Upwards of 800, between 600 and 700.

3160. Q. Have you any data from which you know or can judge of how many sick voters there were at the last November election?—A. What I know I learned by inquiry canvassing the ward.

3161. Q. Can you tell whether there were more than ten such?—A. I only heard of three or four among the Democrats.

3162. Q. Have you any knowledge as to how many there were among the Republicans?—A. I know of one; have no knowledge only by comparison. I know of one, Judge Sudley, came in his own carriage.

3163. Q. Have you any knowledge how many Republican electors who from age or infirmity would have found it difficult to walk to the polls at the last November election?—A. I have some knowledge.

3164. Q. Can you say whether there were more than five such?—A. I can't say as I know there were more or less than five.

3165. Q. The first week in November is usually a busy week in Oswego, is it not, from the closing up of navigation and the necessary closing work and preparing for winter?

(Objected to as immaterial and irrelevant, and nothing to do with this case.)

A. It is, and from other causes and reasons.

3166. Q. And then were there not a considerable number of laborers living in that ward employed in Ames Iron Works and mills and elevators of the fourth ward of the city?—A. I understand that there were.

3167. Q. About how far is it from the polling place in the eighth ward to that in the fourth ward?—A. From three-fourths to a mile.

3168. Q. Were there not other laborers living in the eighth ward who were employed in the lumber-yards in the second ward and in the McLane shops and about the wharves in that ward?—A. There were some in the lumber district and coal in that ward. Can't say as to McLane.

3169. Q. About how far is it from the polling place in the eighth ward to the center of the coal and lumber district in second ward?—A. About a mile.

3170. Q. Were there not other laborers living in the eighth ward who were employed upon the new pier and breakwater in the first ward?—A. I don't know.

3171. Q. How far is it from the polling place of the eighth ward to the breakwater, by the road, to get to the point where they were working?—A. Two miles.

3172. Q. There were quite a large number of men to work there, were there not?—A. I don't know; I think there was.

3173. And were not other laborers from that ward at work in other parts of the city, besides those mentioned?—A. There were.

3174. Q. What time is the hour of beginning and ending labor at that time?—A. I don't know what the various regulations were at that point of time.

3175. Q. Is not the usual length of day for the labor during the season of navigation 10 hours, commencing 7 a. m. and ending 6 p. m., with one hour for noon?—A. It is generally so, but I think in November they could not work that long. They could begin at 7 a. m. but could not work until 6 p. m.

3176. Q. Are there not 200 registered voters in the eighth ward who, in the first week of last November, were employed outside of the ward, in other parts of the city, by the day?—A. I think there might be from 100 to 150.

3177. Q. Were there not a considerable number living in that ward

who were employed as sailors or boatmen, or otherwise were employed upon the boats and vessels in the harbor of Oswego?—A. I don't know of any; there are boatmen living in the ward, and generally some of them are at home at that time.

3178. Q. Taking those classes altogether, would you venture to say there were not 200 laborers living in the ward whose employment was outside of the ward?—A. All taken together would be from 150 to 200.

3179. Q. Are not the greater part of those men dependent upon their labor for the support of themselves and families?—A. I so understand it as a general thing.

3180. Q. About what time is the poll open for the reception of votes in the eighth ward in the November election?—A. Within one-half hour after sunrise.

3181. Q. At what time do the polls close in that ward?—A. About 5 p. m.

3182. Q. The greater part of those laborers you have named take their dinner pails with them when they go to work?—A. Those I see do.

3183. Q. The only committees, so far as you have knowledge, on the Democratic or Republican side, who had anything to do with the conduct of the November election are the county and ward committees?—A. Yes.

3184. Q. And on election day the management of each ward is in the hands of the ward and county committees, is it not?—A. That would be the ordinary way of management.

3185. The money which goes into the hands of the town and ward committees, so far as your observation extends, is not usually spent as carefully and economically as it would be by an individual in his own business?

(Objected to, as committee of Congress can judge of what is necessary.)

A. I should think there is much economy in their expenses.

3186. Q. Is it not understood, too, that a part of the money which comes into the hands of town and ward committee, is apt to be appropriated by the committees for their own use, and not expended at all for any election purposes?

(Objected to by contestant, on the ground that is not a proper subject of opinion, and that Congress is the best judge as to what would be necessary.)

A. Yes.

3187. Q. Covered carriages are generally used, are they not, in bringing electors to the polls?—A. Yes; in the city, and some open.

3188. Q. What is the regular price charged by our city hacks to carry a person a mile in the city?—A. I don't know.

3189. Q. If a carriage is taken from a livery stable for an hour, what would they charge?—A. I don't know.

3190. Q. Is not the charge for team, hack, and driver, for a half a day, \$5 at the livery stable?—A. I don't know.

3191. Q. Is not \$5 the regular charge at our livery stables for a carriage to go to the Riverside Cemetery, a distance of two and a half miles from the center of the city?—A. I don't know.

3192. Q. Does not the demand by the two political parties on election day for carriages to attend at the polls in the eighth wards of the city of Oswego usually more than all the livery stables are able to supply of covered carriages?—A. I think generally all are engaged.

3193. Q. Is not the price charged by the liveries for a team and driver usually \$10?—A. No; from \$5 to \$6.

3194. Q. Do you know how many carriages were used in the eighth ward at the last November election by the Republican committee?—A. I think in all 4 carriages one covered carriage and one double not covered, and two single rigs not covered.

3195. Q. Do you know how much was paid for either of those teams?—A. I do not.

3196. Q. Can you say that \$25 could not have been honestly expended in taking to and from their homes the sick and infirm voters in the eighth ward to the polls; and in taking from employment to the polls and back again the laborers you have spoken of as employed outside of that ward; and, also, in taking to and from the polls the class of laborers employed in different parts of the ward?

(Objected to as irrelevant and immaterial.)

A. No; it could not.

3197. Could one-half of the persons included in the classes referred to in the last question have been brought from their places of residence and employment to the polls, and carried back again, gathered up singly, and otherwise, as such usually are, without involving an expense of \$25?—A. It is doubtful if they could, situate as they are.

Adjourned to 2 p. m., April 22, 1879.

At 2 p. m., met pursuant to adjournment, April 22, 1879. Present. Notaries Van Auken and Case; of counsel, William Tiffany for contestant, and J. C. Churchill for contestee.

J. B. HIGGINS resumed.

3198. Q. What is the population of the town of Scriba?—A. Nearly 4,000.

3199. Q. What is the number of school districts in that town?—A. I don't know; seventeen or eighteen.

3200. Q. What is the size of that town?—A. Six by eight or nine miles square.

3201. Q. There is but one election district in the town?—A. Yes.

3202. Q. What is the distance by the traveled road from Seneca Hill to Scriba Corners, where the election is held, and depot?—A. About five and a half miles.

3203. Q. What from North Scriba depot?—A. A little over four miles.

3204. Q. What is about the average population of the school districts of the town?—A. A total of 200 each.

3205. Q. Each of these districts has, has it not, more or less voters who do not own teams and have no other means of getting to the polls unless they go on foot?—A. I should say there were some in every district of that class.

3206. Q. Are not the country roads generally in poor condition for walking in this county at the November election, generally bad for walking and teaming?—A. Bad for teaming and not good for walking.

3207. Q. What would be a fair compensation for a man and his conveyance before election day to go around and arrange for each district to bring in the poor and infirm to the polls?

(Objected to as irrelevant and immaterial.)

A. It would be worth from \$3 to \$5.

3208. Q. Would \$150 be an unreasonable amount to apply to each district to bring in and carry back the sick, poor, and infirm voters?—A. I think that would be more than necessary.

3209. Q. What was the average price of men and teams in Scriba last November per day?—A. Hire teams for \$3 per day.

3210. Q. What, in your judgment, would have been a fair sum to ap-

propriate to each school district, assuming that such arrangement had been made in each district to bring in this class of voters ?

(Objected to that there is any necessity to make any such arrangement, and not shown that there was any such to be brought in.)

A. Four teams would do all the work in bringing in such voters, I think, in town.

3211. Q. Suppose the arrangement to be with one person in each district to take the aged, poor, and infirm voters of that district to the polls and home again, would it not cost considerably more than that ?—A. It might cost more and it might cost less; I can't tell.

3212. Q. If the same prices were paid for the service that would be paid for an equal amount of service in some other employment, would it not cost more than seventy-five cents for each school district ?

(Objected to on the ground that there is no knowledge to base an opinion upon.)

A. I should think it would.

3213. Q. How many teams do you know that were employed by the Republican party in Scriba bringing in voters to the polls ?—A. In 1876 I understood the Republican party had 40 teams employed getting out voters at the Presidential election of that year.

3214. Q. You are better acquainted in your own ward than in any other ?—A. In two, eight, six better than the other five.

3215. Q. Did you see any money used to influence voters in your ward, to influence voters by the Republicans ?—A. I did not, and I don't think any was used at the polls.

3216. Q. Do you not understand that the town and wards render no account to any one of their expenditures ?—A. I never learned that they did.

Redirect :

3217. Q. Have you since your cross-examination commenced, and since your answer in regard to the amount of money raised by the Democratic county committee and spent by them in the Presidential campaign in 1876, examined and informed yourself in reference to that matter ?—A. I don't think I got the figures right as the facts are.

3218. Q. State what you now recollect as to the amount of money that was then raised by the Democratic committee and the source from which it was raised ?—A. I now say, in thinking it over up to election, that the committee received \$250 in money or other valuable thing above that sum.

3219. Q. Are you now able to state what your impression and understanding then was that the whole expense incurred ?—A. About \$1,200.

3220. Q. What is the occasion of your recollection as to the small amount of the money raised and the large amount expended ?—A. I understood the officeholders would not pay, that is, the Tilden officeholders.

3221. Q. Did you understand at the last fall's election that the characters that you have reference to as being in the employ of the Republican committee in your ward were engaged through the day in bringing to the polls such voters as were expected to vote the Republican ticket and would not come without being brought, as well those who were not sick, poor, or infirm as those who were ?—A. Yes; those who would not likely come without being brought.

3222. Q. Do not a large portion of the laborers residing in your ward, whom you have referred to on your cross-examination as working in Ames' iron works, the elevators, the lumber yards and coal yards out of the ward, live in houses and upon lots owned by them, as you understand ?—A. I can't tell whether they do or not.

3223. Q. What is your understanding?—A. As a general thing I think they do.

3224. Q. And this is also the case, as you understand it, with the laborers living in the ward, and who are not at work out of the ward at last fall's election, and who are referred to, for the daily labor to support their families?—A. Yes; as a general thing I think they do.

3225. Q. In your opinion, how many electors voted the Republican ticket last fall in your ward, brought to the polls by the four carriages referred to by you as in the employ of the Republicans or their committee, exclusive of the sick, the poor, and the infirm electors?

(Objected to as immaterial and improper.)

A. I think not more than twenty-five; carriages stand still more than half the time.

3226. Q. The first part of the day they are waiting to see who will come without being sent for?—A. Yes; in the middle and latter part of the day are quite active.

3227. Q. Towards night, when they find who have not come and probably would not come without being sent for, is the time when they are kept most active as a rule?

(Objected to as immaterial and irrelevant.)

A. Yes.

3228. Q. What was the Republican vote in your ward last fall for the general ticket?—A. Run up to 160, I think.

3229. Q. From your acquaintance from the manner of managing the last election by the Republicans in the city of Oswego, and from such knowledge and information as you acquired at the time of election, is it not your opinion that the same, about the same, percentage of voters, besides the sick, poor, and infirm electors who voted the Republican ticket, were carried to the polls by the Republican committee?

(Objected to as immaterial and improper.)

A. I have not knowledge sufficient to form an opinion.

3230. Q. You are acquainted with several of the school districts in the town of Scriba, are you not?—A. Yes; in several; more particularly those in the north part of the town.

3231. Q. How many districts in the town of Scriba are you so well acquainted in as to be likely to have known what sick, poor, and infirm electors there were?—A. Only two; one joins the city, the other joins this on the north.

3232. Q. How many sick and infirm electors were there in those districts last fall?—A. I don't know of any in those three districts.

3233. Q. If any had been sick would you not have been likely to have known it—the sick, poor, and infirm?—A. I can't answer that.

3234. Q. If there had been any except those temporarily sick would you not have been likely to have known?—A. Yes; more likely to have known it than those infirm.

3235. Q. Do you know of a single elector in those three districts who you believe would have consented to be carried to the polls on the ground he was a poor elector, and therefore entitled to the benefit of the statute in that respect?

(Objected to as immaterial and as an insult to the class spoken of.)

A. In those three districts you speak of I do not think of any. In districts further out might be some.

3236. Q. Was William Drury, as you understood, previous to the last fall's election, for a year or more holding himself out to be a Greenbacker?

(Objected to as immaterial and not in rebuttal, his name not being mentioned in the evidence given by the contestee.)

A. Yes; he did for a time; within the last year and a half acted with them, and heard him tell it up to last May.

3237. Q. You are an attorney and counsellor at law, are you not?—A. Yes.

3238. Q. How long have you been such and engaged in the practice of law?—A. Since 1847.

3239. Q. And you have been practicing ever since?—A. Yes; most of the time.

3240. Q. During the time you were recorder, four years, you were presiding judge of a court of record, were you not?—A. Yes.

3241. Q. (Sections 6, 7, 8, part 1, chap. 6, part 1, title 7, of the Revised Statutes of the State of New York shown to witness.) Are those sections, 6, 7, 8, now, and have they been for many years past, the laws of the State of New York?

(Objected to as immaterial, irrelevant, and not in rebuttal.)

A. They are and have been for many years.

3242. Q. State what they are.

(Objected to as before.)

A. They read as follows:

SEC. 6. It shall not be lawful for any candidate for any elective office, with intent to promote his election, or for any other person, with intent to promote the election of any such candidate, either, 1st, to provide or furnish entertainment at his expense to any meeting of electors previous to or during the election at which he shall be a candidate, or, 2d, to pay for, procure, or engage to pay for any such entertainment, or, 3d, to furnish any money or other property to any person for the purpose of being expended in procuring the attendance of voters at the polls, or, 4th, to engage to pay any money or deliver any property, or, otherwise compensate any person for procuring the attendance of voters at the polls, or, 5th, to contribute money for any other purpose intended to promote an election of any particular person or ticket, except for defraying the expenses of printing and the circulation of votes, handbills, and other papers, previous to any such election, or for carrying sick, poor, or infirm electors to the polls.

SEC. 7. No person shall fraudulently or deceitfully change or alter a ballot of any elector, nor shall furnish an elector any ballot containing more than the proper number of names, or cause any other deceit to be practiced with intent fraudulently to induce such elector to deposit the same as his vote, and thereby to have the same thrown out and not counted.

SEC. 8. Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor punishable by fine not exceeding \$250, or by imprisonment not exceeding six months.

Adjourned to 7 p. m.

At 7 p. m., met pursuant to adjournment; present, Notaries Van Auker and Case; of counsel, William Tiffany and J. C. Churchill.

J. B. HIGGINS continues.

Recross:

3243. Q. What amount was received by the Democratic county committee in 1876, at and after election day?—A. I don't know.

3244. Q. Have you any knowledge what proportion of the daily laborers in your ward own houses or rent houses?—A. A general knowledge of what proportion, I can't say.

3245. Q. With the depreciation of property and the heavy taxation

in the city, is not the day laborer who has a house and lot, especially if only partly paid, quite as badly off as the day laborer who owns none ?—A. He is in one sense; not quite so much embarrassed.

3246. Q. Do you not know quite a number of such in your ward, having lots partly paid for, who from the depreciation of property and hard times, chose to give them up rather than pay for them ?—A. It's likely there are such all over the city.

3247. Q. How recently, before last election, had you been in the three school districts in Scriba ?—A. I was there during haying season, and after, as late as September.

3248. Q. In which of those districts were you in the month of September ?—A. In one adjoining the city.

3249. Q. Was you in the one adjoining that after the first of September ?—A. I was once, and perhaps two or three times.

3250. Q. How many houses in the second, adjoining, did you enter after the first of September and before election ?—A. I don't think I was in any except Helerin's.

3251. Q. Was you in any house in that district beside Holmes's during the year ?—A. No.

3252. Q. Was you in the third district during the year at all ?—A. No.

3253. There are several towns larger than Scriba in the county, and a larger population, are there not ?—A. There are; five are a larger population and three about the same.

3254. Q. How does Redfield compare with Scriba as to territory ?—A. About double.

3255. Q. Has there ever been any judicial construction of the word "poor" in the statute to which your attention has been called ?—A. Not that I know of.

3256. Q. Under that statute you understand it is lawful to contribute funds by one party or the other to carry the sick and poor and infirm to the polls ?—A. I understand it so.

3257. Q. As a matter fact during all the time you have been acquainted with politics, of both political parties, through their committees or candidates, getting voters to the polls and make provision therefor ?

(Objected to as far as candidates are concerned.)

A. I don't know what the practice has been with Republican committees or candidates, and in relation to the Democrat, I know of no county or other Democratic committee undertake to provide for getting voters to the polls except the Democratic city committee to get voters to the polls.

3258. Q. Our charter elections are governed by the same laws that have been read here ?—A. Yes.

3259. Q. During your term as prosecuting attorney of the county, or during your term as recorder, or at any other time, a complaint having been made of providing carriages a breach of the law ?—A. I have not.

3260. Q. The expenses of printing ballots, posters, handbills, and other matter connected with the prosecution of an election is always a considerable item of expense at an election ?—A. Considerable at a fall election.

3261. Q. That is properly a part of the general expenses of a campaign ?—A. It is so regarded by the law.

3262. Q. The expense of public meetings, including the renting of the hall and personal expenses of speakers, are a part of the legitimate expenses of a campaign ?—A. I think they ought to be, whether they are or not.

3263. A. Is not that the universal practice with all parties ?—A. It is.



Redirect:

3264. Q. You said upon your first cross-examination that Gardiner said it cost a good deal of money?—A. For himself, substantially, and not for the ticket generally. He expected a large Republican vote.

3265. Q. When was it that the Democratic city committee of Oswego undertook to raise money to carry voters to the polls the last time?—A. I think when Page was a candidate, five, six, and seven years ago.

3266. Do you know whether they succeeded?—A. I don't know; it is my opinion they did.

3267. Q. Since five years ago, do you know, or have you any information or belief, that any Democratic city committee have raised or attempted to raise money for that purpose?—A. I don't know whether they have or not. I don't think that they have.

3268. Q. Is the Democratic Oswego city committee an organization independent of the county committee?—A. The ward committee is under the county organization, and nothing to do with the fall elections.

(Objected to as immaterial, irrelevant, and not in rebuttal.)

A. The Democratic city committee is entirely independent of the county committee, and the Democratic city committee has nothing to do with general elections. The recorder is nominated by a city convention. Except in the wards, the committee acts in both organizations.

3269. Q. Did the Democratic county committee of this county last fall raise or attempt to raise or expend any money to pay the expense of speakers?—A. They did not, or for the expense of halls.

Recross:

3270. Q. Has there not been a general discord in this county for the last year?—A. No. There are a few grasshoppers; the great body of the party are united.

3271. Q. Are the grasshoppers the special Tilden men?—A. Yes.

3272. Q. There were carriages in the 8th ward carrying Democratic voters to and from the polls?—A. There were two such.

3273. Q. Were they there all day?—A. Yes.

3274. Q. Have you ever known an election in that town where the Democrats had not teams at a charter or general election?—A. I don't recollect of any.

3275. Q. Do you know who provided carriages?—A. I think Mr. Dowdle said he had or would provide a carriage.

J. B. HIGGINS.

Subscribed and sworn April 22, 1879.

D. J. VAN AUKEN,  
Notary Public.

C. O. CASE,  
Notary Public.

Adjourned to April 23, 1879, at 9 a. m.

April 23, 1879, met pursuant to adjournment.

*Deposition of B. Lynch.*

BARTHOLOMEW LYNCH sworn.

3276. Question. What is your name, residence, and occupation?—Answer. Age 54; residence, Oswego City, third ward; occupation, wholesale liquor dealer.

3277. Q. What ward did you reside in at the time of the last fall's election?—A. Third ward.

3278. Q. How long have you resided in the third ward ?—A. Fifteen or twenty years.

3279. Q. You have been a Democrat always in politics ?—A. Yes.

3280. Q. You were one of the Presidential electors elected from this State on the Democratic ticket in the fall of 1876, was you not ?—A. Yes.

3281. Q. You have for twenty years past given a good deal of attention to politics, national, State, and local, have you not ?—A. Yes ; I have not so much for the last seven or eight years.

3282. Q. You knew the nomination of Mr. Duffy for Congress by the Democratic Convention last fall ?—A. Yes.

3283. Q. Are you or not pretty generally acquainted with the leading Democrats in the city of Oswego and county ?—A. Not so well in the county as in the city.

3284. Q. You were at home immediately after the nomination of Mr. Duffy, and remained so up to the time of election ?—A. Yes.

3285. Q. Will you state whether his nomination was generally favorably received or unfavorably received by leading Democrats—(some dissatisfaction ?—A. Generally favorably received ; some dissatisfaction.

3286. Q. Did you favor his nomination ?—A. Yes, sir.

3287. Q. And you, of course, voted for him ?—A. Yes.

3288. Q. Will you state whether the larger part of leading Democrats were favorable to his nomination ?—A. Yes, so understood.

3289. Q. Did you know or understand that Mr. Page was in favor of his nomination before he was nominated ?—A. A. I don't know ; I heard nothing about Page.

3290. Q. Do you know or have you heard of a considerable number of Democrats in Oswego whom you are informed or believe did not vote for Mr. Duffy at the last fall's election ?—A. I know of no considerable number.

3291. Q. You do not believe there was a considerable number of leading Democrats that did not vote for Duffy ?—A. I do not.

3292. Q. Do you know of the amount of money that was raised last fall by the Democratic county committee for the purposes of election ?—A. I do not.

3293. Q. You was a member of the convention, one of the delegates, that nominated Mr. Duffy ?—A. Yes.

3294. Q. State whether the action of that convention was unanimous ?—A. It was.

3295. Q. State whether the convention balloted for the candidate ?—A. I can't say.

3296. Q. Was there any other candidate before the convention that received any votes ?—A. No, I think not.

3297. Q. You have been a delegate from your district to the State convention.—A. Yes, sir.

3298. Q. Have you been more than once a delegate to the State convention ?—A. No.

3299. Q. You have been a delegate to Democratic county conventions for years past.—A. Yes

3300. Q. How many times ?—A. I can't tell how often.

3301. Q. A good many times, have you ?—A. I can't tell more than once ; I can't tell how often.

3302. Q. How many times have you been on the county committee ?—A. I don't remember whether I have or not ; I think I have.

3303. Q. You are a member of a committee now, are you not ?—A. Yes ; Congressional committee.

3304. Q. Have you not for the last fifteen or twenty years, or a large part of the time, been on some Democratic city committee, or Democratic county, or the Congressional committee of this Congressional district?—A. I think not.

3305. Q. Have you been on some one of such committees a larger part of that time down to within seven years ago?—A. I have more or less, but can't say whether a larger part of the time.

3306. Q. When was you a delegate to the State convention?—A. Two years ago last August.

3307. Q. Did you attend the polls in your ward at the last fall election, and, if so, how much of the day?—A. Five minutes.

Cross-examined :

3308. Q. What was your views with regard to the resumption of specie payment?—A. I was opposed to it, and not in favor of the resumption so soon as the 1st January, 1879.

3309. Q. You was in favor, was you not, of a union of Democrat and Greenback parties at the last fall election?—A. Yes.

3310. Q. Mr. Duffy had been nominated by the Greenback convention, had he not, before the assembling of the Democratic convention?—A. Yes, he was nominated by the Greenback Congressional committee to take the place of their candidate, who was found ineligible—nominated by their convention, as I understood it.

3311. Q. You went to the Democratic convention in favor of taking up Duffy as the candidate for Congress?—A. I did.

3312. Q. Was that before or after holding the Oswego Democratic county convention?—A. I can't tell.

3313. Q. You understood, did you not, when you went to that convention a considerable part of the Democratic party, both leaders and rank and file, were opposed to affiliation with the Greenback party?—A. Yes.

3314. Q. Have you not understood that Delos DeWolf and Albertus Perry, as well as Edwin Allen and A. S. Page, were so opposed?—A. I have, since election.

3315. Q. Name any others, if you can, who you understood were opposed to affiliation with the Greenback party?—A. I can't remember any particularly; I knew quite a number; can't call their names.

3316. Q. Mr. Page and Allen and Perry have been Democratic mayors of this city in recent years, have they not?—A. Yes.

3317. Q. Mr. De Wolf has been for a series of years a member of the Democratic State committee?—A. Yes.

3318. Q. Have you not regarded him as the most influential member of the party in this county?—A. Yes, sir.

3319. Q. The brother of your son-in-law was nominated and elected county treasurer last fall by a union of the Democratic and Greenback parties, was he not?—A. Yes.

3320. Q. Such union you favored from principle?—A. I favored it from policy.

3321. Q. Did you not understand that there were many Democrats throughout the campaign opposed to such union upon principle?—A. Yes.

3322. Q. Have you any knowledge as to how such Democrats opposed to such union on principle voted for member of Congress at the last election?—A. No.

Redirect:

3323. Q. How, in your opinion, did the class of Democrats referred to in the last question generally vote at last fall's election?

(Objected to as incompetent and immaterial.)

A. Democratic and Greenback.

3324. Q. They voted for the candidates indorsed by the Democratic convention, as well as those who had not been previously nominated by Greenbackers. They voted for the candidates of the Democratic party, as well those previously nominated by the Greenbackers as those who were not so nominated, did they not?

(Objected to as immaterial and incompetent, and that this witness has already testified he did not know how they voted.)

A. My opinion is that they voted the Democratic ticket generally as it was made.

3325. Q. You understood Duffy had always been a strict Democrat until he became tinctured with Greenbackism?—A. Yes.

3326. Q. And you now understand him to be a Democrat, except so far as he may differ from other Democrats upon the currency question?—A. Yes.

3327. Q. You made inquiry and became satisfied as to his political views before his nomination, did you not?—A. Yes; I think so.

3328. Q. You know John Dowdle, who was elected county treasurer last fall?—A. Yes.

3329. Q. How long have you known him?—A. About twenty years.

3330. Q. He has been a Greenbacker for some time past?—A. Yes.

3331. Q. He was nominated by the Greenback party before nominated by the Democrats, was he not?—A. He was nominated by the Greenback county committee and also by the Democratic committee.

3332. Q. Did you understand that Duffy's views upon the Greenback question or upon the paper-money question were any more ultra or in any manner different from the views of Mr. Dowdle?—A. I can't tell.

Adjourned to 2 p. m.

April 23, 1879, at 2 p. m., met pursuant to adjournment. Present, Notaries Van Auken and Case; of counsel, William Tiffany for contestant, and J. C. Churchill for contestee.

B. LYNCH resumed:

3333. Q. What you mean, then, is you do not know what these views are.—A. Yes.

3334. Q. If there had been such marked distinction in the political views of these two candidates, which had been so widely discussed and so well understood in Oswego, as to account for the difference in the vote given for the two, would you not have been likely to have heard and understood it?—A. I don't think there was any difference in their financial views that affected the vote.

3335. Q. Did you understand or not that Delos De Wolf voted for Duffy after the nomination?—A. I have not understood about it.

3336. Q. Do you know whether Allen and Perry voted for Duffy after the nomination?—A. I can't tell.

3337. Q. Do you know, or did you hear during the campaign, after Duffy's nomination, and before or after election within two weeks, of any leading Democrats, of whom you have spoken as being dissatisfied with Duffy's nomination, making any effort to prevent other Democrats from voting for Mr. Duffy?—A. No, sir.

3338. Q. Was there any organized opposition in the Democratic party to his election?—A. No.

3339. Q. Was there, in your judgment, more or less of dissatisfaction expressed to Duffy's nomination than is usual in either candidate to a place of that importance, where there is a chance of an election?—A. I think more with Duffy's nomination.

3340. Q. Was there any more dissatisfaction expressed by the Democratic party as to the nomination of Duffy than by the Republican party two years ago, when Baker was nominated by the Republicans?—A. I think not; no more.

Recross-examination :

3341. Q. Mr. John Dowdle was a native of Oswego, and resident, and a very popular man, was he not?—A. Yes.

3342. Q. He drew largely from the Republican vote in Oswego, did he not?—A. I think so.

3343. Q. He had a large number of young friends in each political party that worked for him, did he not?—A. I think so.

3344. Q. And that, too, without reference to his financial views on that question?—A. I think so.

3345. Q. The election of Mr. Dowdle could not affect the policy of the country on the resumption of specie payments, could it?—A. I think not.

3346. Q. The election of a Greenback man to Congress might affect the resumption of specie payments?—A. If they got members enough.

3347. Q. A Democrat, therefore, who was anxious for the resumption of specie payments, might consistently vote against Duffy and for Mr. Dowdle?—A. Yes.

Re-redirect :

3348. Q. In your opinion, is there any intelligent Democrats who desired the resumption of specie payments who could have had any fear that Mr. Duffy, together with such other Greenbackers as might be elected to Congress, could prevent resumption so long as the Republican and Democratic parties were in favor of resumption, and Hayes was President, or the present Vice-President was in his place acting as President?—A. They might.

3349. Q. Can you see how they could have entertained any such fear?—A. No; I can't.

Re-recross :

3350. Q. You was honestly opposed to resumption of specie payments last fall, and in favor of the postponement of such resumption as a matter of policy during last fall's campaign, was you not?—A. Yes.

3351. Q. And aiding to nominate Mr. Duffy; and afterwards, in supporting him at the polls (might afterwards), you hoped, did you not, that his election, if elected, might help to fasten your views upon the country?—A. I did not hope anything about it or care.

3352. Q. You was entirely indifferent, then, was you, as to what effect his election might have as to the financial policy of the country?—A. Yes; I guess so.

3353. Q. Were you not entirely satisfied at the time of Mr. Duffy's nomination, and at the time of last fall's election, that his election, if he should be elected, could not affect the financial policy of the country in any manner?—A. Yes.

3354. Q. You knew at that time that the law providing for the resumption of specie payments went into operation on the 1st of January, 1879, and that the term of Duffy's office could not commence, if elected, until March 4, 1879?—A. Yes.

3355. Q. Do you consider the policy of the country now upon the resumption of specie payments, or the extension of the Greenback policy, as settled beyond the power of Congress to disturb it?—A. No; I do not.

3356. Q. Is it not a question whether the friends of the Greenback policy, so called, have or are now a majority in the present House of Representatives?—A. Yes; there is a possibility of being a majority there.

3357. Q. You think the chances are that a majority of the present House of Representatives are in favor of the Greenback policy and against specie payments?—A. I can't tell.

3358. Q. Is your answer to the last question upon cross-examination based upon the theory that there is a question whether a considerable number of Republicans in the House of Representatives are not in favor of the soft-money party?—A. Yes.

BART. LYNCH.

Subscribed and sworn April 24, 1879.

D. J. VAN AUKEN,  
*Notary Public.*  
C. O. CASE,  
*Associate Notary Public.*

Adjourned to April 25, 1879, at 9 a. m., at the office of William Tiffany, Oswego City.

April 24, 1879, met at the American Hotel, in Hannibal, Oswego County, New York, to take depositions in the contested-election case wherein Sebastian Duffy is contestant and Joseph Mason contestee, according to previous notice served upon contestee.

*Deposition of D. J. Van Auken.*

The contestant offers D. J. VAN AUKEN, Jr., as a witness.

3358½. Question. What is your age, residence, and occupation?—Answer. Age is twenty-nine; residence, Hannibal, N. Y.; occupation, insurance broker.

3359. Q. How long have you resided in Hannibal?—A. About twelve years, a part of the time.

3360. Q. Are you acquainted with Samuel B. Burchard, deputy internal revenue collector, residing in the city of Oswego?—A. I am.

3361. Q. And for how long have you been acquainted with him?—A. Five or six years.

3362. Q. Did you have any interviews with him pertaining to Judge Mason's election prior to last fall's election; and, if so, how many?—A. I recollect one; I don't know of any more.

3363. Q. Who was present at that interview?—A. I think Lyman James was present.

3364. Q. And was that interview held in the office of Samuel B. Burchard, in the city of Oswego, and on the subject of Judge Mason's election?—A. It was.

3365. Q. Under what circumstances or inducements did you go?

(Objected to, that it does not call for evidence in rebuttal, and is therefore inadmissible at this time.)

A. I was asked to go there by Lyman James; that Burchard wanted to see me.

(Contestee moves to strike out answer; that it does not appear he was asked to go there by Judge Mason.)

3366. Q. How long was this request and interview before election?

(Objected to as before.)

A. About a week.

3367. Q. You may state that conversation, so far as it relates to the election of Judge Mason.

(Objected to as before; and, further, that Judge Mason is not bound by what was said there. Overruled.)

A. Burchard asked if we could do something for Mason out here. I said I thought Mason would run ahead of his ticket with effort. James said if we had \$50 we could make fifty votes. I think I said I thought we could. Burchard said then that was all right, and he had made arrangements with James, and he would write to Mason that day and tell him about me and the proposition. There was further conversation, but I can't call the other at present.

3368. Q. Was there something said in that conversation by Burchard about letting you know when he heard from Mason?

(Objected to as before. Notaries disagree; Notary Morehouse decides, not in rebuttal.)

A. There was. He said Mason would either write to me direct or he would write to me himself.

3369. Q. Did he not give you to understand in that interview that he was in communication directly and working for his election?

(Objected to as before; and, further, calling for a conclusion or opinion of the witness, and not what was said. Notaries disagree.)

A. He told me about his correspondence with Mason.

3370. Q. Did you, subsequent to that time and before election, receive or see a letter written to a person or persons pertaining to the election of Judge Mason? and, if yea, state in detail.

(Objected to as before, as not proper in rebuttal, as new evidence; that the letter is not, or letters are not, sufficiently identified; and that the letter is, or letters are, the best evidence, and should be produced before the notaries, and counsel for contestee demands them. Notaries disagree.)

A. Yes; I received one.

3371. Q. Have you that letter now in your possession or under your control?

(Objected to as before.)

A. No.

3372. Q. Can you state what became of it? and, if so, do so.

(Objected to as before.)

A. I either lost it or it was stolen out of my pocket.

3373. Q. State the contents of that letter, as near as you can.

(Objected to; no diligence yet shown to produce the letter here. Notaries disagree.)

A. Letter commenced: "D. J. Van Aukin, esq.;" dated November 4, 1878. "Judge Mason was here yesterday. He was not in favor of extending the arrangement in the town of H." I have some minutes here, if you will allow me.

(Objected to. Notaries disagree.)

"But as I had said to you what I did, he advises that you give your personal services and incur no expense beyond that. It appears to me that the circumstances are such that you and Lym., by a personal effort at the polls, run him largely ahead of his ticket; and should the result show that you had, I feel sure that he would be glad to reward the effort; but as it stands, incur no expense beyond your personal services. Yours, &c., Burchard."

3374. Q. Intermediate to the time of receiving that letter and the day of election did you know of Lyman James or any other person receiving money for election purposes; and, if so, how much?

(Objected as before. Notaries disagree.)

A. I did not receive any. I saw none paid. I have been particular about testifying.

3375. Q. Have you learned from Lyman James or any other person, or by statements received or communications received of S. B. Burchard, or in any other manner, of the payment of money by S. B. Burchard for election purposes?

(Objected to as before, and not proper; calling for hearsay, and not the best evidence. Notaries disagree.)

A. I have.

3376. Q. You may state to whom you know he paid money, when, and how much.

(Objected as before.)

A. I refuse to answer.

3377. Q. Upon what grounds do you object or refuse to answer?

(Objected to as immaterial and not in rebuttal.)

A. It would compromise some of my friends that I do not desire to embarrass. I am willing to state that I know money was paid to two different individuals, in one case by Judge Mason, and in the other case by Elias Root, \$5 in each instance.

3378. Q. Is Root a Republican?—A. Yes; has been collector of the port of Oswego.

3379. Q. Have you heard or learned of Samuel Burchard having paid or caused to be paid, or having been cognizant of any being paid, or promise to pay, money for election purposes?

(Objected to as incompetent and not in rebuttal.)

A. I have.

3380. Q. You may state what you know or what you have learned about that matter.

(Objected to as before.)

A. Burchard was cognizant and advised, and indirectly the cause of the payment to carry out promises he had made.

3381. Q. You may state what promises or agreements he had made in behalf of Judge Mason.

(Objected to as before.)

A. The promise was that the party receiving the money was to be paid for rendering services, to be rendered for Judge Mason.

(Objected as before.)

3382. Q. How much did you understand he was to receive by that promise?

(Objected to.)

A. There were two different parties. He was to receive \$25, one of the parties, and the other no stated sum.

3383. Q. Did you hear or learn of any other letter or letters having been written by S. B. Burchard to Lyman James or any other party before election for election purposes, in reference to the election, and for election purposes?

(Objected to as before.)

A. My impression is there was more correspondence beside what I have related; and if there was, I can't give its contents or purport at this time.

3384. Q. Was it or was it not current talk and public repute in Hannibal, prior to and on the day of election, that money had been used and was being used to secure the election of Judge Mason?

(Objected to as before. Notaries disagree.)

A. It was.



3385. Q. You may explain how the money you have spoken of, how it was paid, and also state if it is not true that S. B. Burchard was making a special effort to secure the election of Judge Mason?

(Objected to as before.)

A. In one instance it passed from the hand of Judge Mason to the party who was to render the service; in the other it passed from Root to a third party, but the man for whom it was intended was present, and this third party gave it to the man for whom it was intended, and who was to render the service. He was making a special effort, and was——

3386. Q. State what Burchard said.

(Objected to as before.)

A. Said he was paying a great deal of money out of his own pocket, but he expected Mason would reimburse and make it all right. This \$25 he had already agreed to pay out of his own pocket he expected would be all made right. He told me the amount he had paid. My impression is \$150, but I can't state the exact amount.

3387. Q. In his conversations with you did he say, and they of the Republicans thought, that it was doubtful or close work for Mason to be elected?

(Objected to as before. Disagree.)

A. Burchard said to me he thought Mason would be elected; but it was said a day or two before election unless something was done Mason would be beaten.

3388. Q. Was not the party to whom the money was paid of Democratic predilections?

(Objected to as before.)

A. Yes, sir; he voted the Democratic ticket last fall, with that exception.

(Contestee's counsel moves to strike out the answer.)

3389. Q. Have you since the election had any propositions, either directly or indirectly, in regard to one of Burchard's letters, or been requested by any one to call on Place, of the Times, and, if so, state the sum or any inducements offered, directly or indirectly.

(Objected to as before; also, immaterial to the issue. Notaries disagree.)

A. Mr. Burchard said Mr. Place wanted to see me the other day, and I called at his office, and he was out. Yes; I have had a proposition.

3390. Q. You were at the polls on election day last fall in this village, all day, was you not?

(Objected to as before.)

A. Yes; all day, from the opening to the closing, and the counting of ballots.

3391. Q. Were there not a large number of voters who voted the Republican ticket last fall, or voted for Judge Mason, in the election district other than poor, sick, and infirm voters, brought to the polls by teams and carriages belonging to other persons than those whom you understood and believed to be in the employ of the Republican committee of your election district, or running directly for and in the interest of Judge Mason to convey them to the polls?

(Objected to as before. Overruled.)

A. Yes.

3392. Q. From your long-continued residence in the village and town of Hannibal and your extensive acquaintance, have you not had the means of knowing, and did you not know last fall, the condition of the Republicans as to their being active or lukewarm in support of their ticket?

(Objected to as before.)

A. Yes, sir.

3393. Q. From your acquaintance in this election district, were there not a great number of voters who had affiliated with the Republican party, who had become lukewarm in their support of the Republican ticket last fall?

(Objected to. Notaries agree.)

A. I think very little enthusiasm in the Republican party; more so last fall than previous. There was——

3394. Q. What proportion of poor, sick, and infirm voters in this district are there not able to get there, and who it would be necessary to carry to the polls?

(Objected to as before. Overruled.)

A. Not over half a dozen.

3395. Q. Would it require more than one team to convey those parties to the polls to vote?

(Objected to as before. Overruled.)

A. One team would do it easily.

3396. Q. And what, in your opinion, would be a fair compensation for a team for that purpose?

(Objected to as before. Overruled.)

A. Four dollars.

3397. Q. Would not the expenditure of \$25 expended in bringing persons to the polls tend largely to increase the Republican vote in this town?

(Objected to as before. Notaries agree.)

A. Yes; it would.

3398. Q. From your acquaintance in this town and with the Republican management of last fall's election were there not a considerable number of Republicans who were in a state of lethargy or lukewarmness towards the success of the Republican ticket at the polls, who would, if not so conveyed, have staid at home and not voted?

(Objected to as above. Notaries agree.)

Cross-examined by ALEXANDER:

3399. Q. What is your present occupation?—A. Buying notes. I discount notes.

3400. Q. How long since you purchased or discounted a note?—A. April 15.

3401. Q. And is that your present sole business?—A. Yes.

3402. Q. How long have you been engaged in that?—A. About a year and a half.

3403. Q. What was you doing previous to that?—A. First clerk in the canal office in Oswego.

3404. Q. That was under a Democratic administration, was it not?—A. Yes.

3405. Q. How long were you in that employment?—A. Three years.

3406. Q. What was you doing previous to that time?—A. I was West, traveling part of the time.

3407. Q. In what line of business was you traveling?—A. For pleasure, principally.

3408. Q. Are you a man of independent means?—A. No, sir.

3409. Q. Are you assessed for one dollar of property?—A. Yes.

3410. Q. How long did you travel for pleasure?—A. The first time I started out I got a position. I left a position here, and started to see my friends and see the country.

3411. Q. What was that position you took?—A. Superintendent of a coal company in Illinois, at a place called O'Fallon, at \$75 per month.

3412. Q. Was you ever an itinerant pinchbeck peddler?—A. No, sir.

3413. Q. Have you never engaged or traveled with other persons engaged in the sale of jewelry?—A. No.

3414. Q. When did you first become acquainted with Samuel Beschan?—A. When in business here five or six years ago.

3415. Q. Have you ever transacted any business with him; and if so, what nature?—A. Yes, sir; business connected with his office, for other people.

3416. Q. Did you see him last fall on any occasion except the one to which you have testified?—A. Yes, sir; five or six times.

3417. Q. Did you ever talk with him on the subject of elections more than once?—A. I think not; once after and once before.

3418. Q. What day of the week or month was that in and how long before election?—A. I think a week or ten days before election, last of October or first of November.

3419. Q. Are you certain Lyman James was with you at that interview?—A. Yes.

3420. Q. Who else, if any one, was present at any portion of it?—A. No one.

3421. Q. At what time of day was it and how long did it continue?—A. In the forenoon, about 11 a. m., and lasted about half an hour.

3422. Q. Have you any acquaintance with Judge Mason?—A. I know him when I see him; I had an introduction to him once.

3423. Q. When and where was that?—A. At Mexico; if it was the same Mason it was in 1872 in the fall, and I hardly think it was from the description.

3424. Q. Then you did not talk with the contestee during the last fall's political campaign?—A. No, sir.

3425. Q. When was it that Lyman James told you Burchard wanted to see you?—A. The day before the interview.

3426. Q. Where was you when James asked you?—A. I think here at the hotel.

3427. Q. Did Mr. James make you acquainted with what Mr. Burchard wished of you?—A. Yes, sir.

3428. Q. What was it that he said Burchard wanted of you?—A. He told Burchard about me, that I might be induced to do something for Mason, and, if induced, could do him a good deal of good.

3429. Q. And did you visit him with reference to some such employment as that?—A. No; for I did not know the nature of it.

3430. Q. What are your politics?—A. I have never voted anything else but the Democratic ticket.

3431. Q. Did you vote for Judge Mason last fall?—A. I did.

3432. Q. What was first said when you got to Burchard's office?—A. I think he asked me if we could do something for Mason out here, or something to that effect.

3433. Q. What did you say to that?—A. I said I thought we could.

3434. Q. What was next said and by whom?—A. I think Lym. said if we had \$50 could run Mason ahead of his ticket.

3435. Q. What was next said?—A. I can't repeat the conversation, but I can give the result.

3436. Q. I want you to repeat the conversation as near as you can and in the order it occurred.—A. I can't do it; I don't refuse to do anything.

3437. Q. Do you refuse to try to do it?—A. I can't do it; I don't refuse to do anything.

3438. Q. Give what you call the result.—A. The result was he would furnish the money for this town, \$50.

3439. Q. When was that money to be paid?—A. No day set; would write to Mason. He did not want to make too much expenditure without Mason's knowledge. The work—it was to be paid before the work was done—was to be done with the money.

3440. Q. Was you favorable to the election of Mason before this?—A. I was not, nor in favor of the election of Mr. Duffy.

3441. Q. And why not in favor of Duffy?—A. I supposed him to be a Greenbacker. I did not know he was a Democrat. I had been absent some time; I was not favorable to a Greenbacker to Congress.

3442. Q. And did you prefer the election of a Republican to Congress whose financial views were in favor of the resumption of specie payments?—A. I probably should not have voted for either.

3443. Q. And did you regard yourself on that occasion as having bargained and sold your political influence and services, and also your vote?

(Objected to as calling for a conclusion of the witness's mind; notaries agree.)

A. Yes.

3444. Q. Was any bargain closed at that time?—A. No; the reason why I—yes; in the other, no bargain closed then, and never had been.

3445. Q. Then you did not sell your vote last fall nor your political services and influence last fall?—A. No, sir.

3446. Q. How much of that \$50 was you to receive?—A. \$25 to expend in procuring votes.

3447. Q. How much of that did you intend to expend in buying votes?—A. I had no intentions regarding it.

3448. Q. Have you ever bought any votes?—A. I decline to answer.

3449. Q. Are your morals of that nature that will permit you to sell your vote and to buy votes?

(Objected to as immaterial; notaries disagree as to materiality; notary Van Auken decides the witness.)

A. Decline to answer.

3450. Q. Then the bargain with Burchard was dependent upon future advices from Judge Mason, and you looked upon the letter—A. Yes, sir.

3451. Q. And you looked upon the letter which you say you received from Mr. Burchard, and the substance of which you have stated, as the termination of the arrangement made with Mr. Burchard?—A. Yes, sir, so far as it related to myself.

3452. Q. And nothing was done by you as a consequence under that arrangement or proposition made at Burchard's?—A. No.

3453. Q. And you expended no money, did you, in purchasing, or attempting to purchase, votes for Judge Mason?—A. No, sir.

3454. Q. Was anything said to you at Mr. Burchard's as to how you or James was to vote?—A. No.

3455. Q. And no proposition was made, then, looking to the procurement or purchase of your or James's vote for Judge Mason?—A. We were to work for Judge Mason, and run him ahead of his ticket.

3456. Q. Was the manner or the details of the expenditure of that \$50 agreed upon?—A. Not specifically; it was agreed to be used to secure his election, and get as many votes as possible.

3457. Q. Did you receive that letter from Mr. Burchard before election?—A. Yes.

3458. Q. Did you show that letter to James ?—A. Yes.

3459. Q. Do you regard—you never received any letter from Judge Mason, did you ?—A. I think not.

3460. Q. You know that you did not, do you ?—A. Yes.

3461. Q. And you don't know of Lyman James receiving any letter from him ?—A. I think there was other correspondence ; that is my impression.

3462. Q. Will you swear positively that you ever saw so much as a line or letter from Judge Mason, either addressed to you or Lyman James, or any one else, during last fall's election ?—A. I did.

3463. Q. To whom was it addressed ?—A. To S. B. Burchard.

3464. Q. Did you ever receive any letter, other than the one from Samuel B. Burchard of November 4, 1878, from Samuel B. Burchard, or from anybody else, with reference to the transaction you said occurred in his office ?—A. I shall give you the same answer I did this forenoon: My impression is I did.

3465. Q. Have you received any letter from Mr. Burchard since the one on November 4 ?—A. I think that was the last.

3466. Q. Have you ever written to Judge Mason ?—A. I don't think I have.

3467. Q. You would recall it if you had, would you not ?—A. I think I would.

3468. Q. Did you write to Mr. Burchard in response to the letter of November 4 ?—A. I think not.

3469. Q. Have you not called upon him for money, or tried to obtain money from him since election-day ?—A. Yes, sir.

3470. Q. Have you since this contest commenced ?—A. No, sir.

3471. Q. How many—have you ever received money from him since election ?—A. Yes, sir.

3472. Q. Have you not testified in your direct examination that you received no money for election purposes from any one ?—A. Most assuredly I have not.

3473. Q. When did you last see the Burchard letter ?—A. Last week, a Saturday.

3474. Q. Where was it ?—A. In my possession.

3475. Q. In what place ?—A. I saw it in Oswego that day.

3476. Q. Where, in Oswego, was you when you remember to—  
A. At Burchard's office. I read it to him at his request. He asked me if I had the letter.

3477. Q. Did he ask you to let him have the letter ?—A. I don't think he did.

3478. Q. Did you offer to let him have the letter ?—A. I did not.

3479. Q. You took the letter away from Burchard's office ?—A. I suppose I did.

3480. Q. What time of day was it ?—A. About noon.

3481. Q. Did Mr. Burchard offer you money for that letter ?—A. He did not.

3482. Q. Did he ask you for a copy of it ?—A. No, sir.

3483. Q. Were you unwilling to sell or return it to Burchard ?—A. I don't know whether I was or not ; I formed no opinion.

3484. Q. Did you have any negotiation with Mr. Burchard for its delivery to Mr. Burchard ?—A. Yes, indirectly.

3485. Q. By indirectly do you mean with any other person ?—A. Yes, sir.

3486. Q. Then you did not negotiate with Burchard in person ?—A.

No; but Mr. Burchard said if I would deliver the letter to a man he would give me \$10.

3487. Q. Where did you go after you left Burchard?—A. He and I went over together to Lamoree's office.

3488. Q. Did you see Mr. Lamoree?—A. No, sir. He told me to stand in the hall and he went inside.

3489. Q. Did you show that letter to Mr. Burchard after you left the office?—A. No.

3490. Q. Where did you part from Mr. Burchard?—A. The foot of the stairs leading to Lamoree's office.

3491. Q. Where did you go next?—A. In Paddock's drug-store.

3492. Q. Where did you go next?—A. It's immaterial. I went to the stores across, and to the Hamilton House to dinner.

3493. Q. Did you go nowhere else before dinner?—A. No, sir.

3494. Q. What other places were you in after dinner?—A. I was in Paddock's and Burchard's. He told me to come in at half-past one—same excuse.

3495. Q. How long in Burchard's then?—A. Two and one-half minutes.

3496. Q. Where did you go then?—A. He said Place wanted to see me, and I went there.

Adjourned to April 25, 1879, at 8½ a. m.

April 25, 1879, met pursuant to adjournment. Present, Notaries Van Auken and Morehouse; of counsel, Baker and Alexander.

Cross-examination resumed:

3497. Q. Did you go to the Times office to find Place?—A. I did.

3498. Q. Did you try to find Mr. Place for the purpose of getting money for or on account of that letter?—A. I did not. Did not know he knew of the letter. Went there at his request.

3499. Q. Where did Place request you to see him, if ever?—A. Burchard told me Place wanted to see me.

3500. Q. Did you take that letter then with you?—A. I suppose it was in my pocket or on my person.

3501. Q. Where did you go next after you left the Times office?—A. I walked down First street and met a friend on the street; went into a saloon and took a glass of deep-rock; came back and went over the river to Paddock's drug-store and found my wife, and came back and walked up to the Times office to see if Place was in. He was not in, and came back to Burchard's to ask him if he knew what Place wanted. He said he guessed it was something relating to what we had talked about in the forenoon. I said, "I have no more time; I must go; I can't wait for him," and then went to the depot and came home.

3502. Q. You are the son of Notary Van Auken, are you?—A. Yes.

3503. Q. Your father was engaged taking evidence on the Saturday you were in the city with the letter and in the city of Oswego?—A. I believe he was.

3504. Q. Did you see him on that day and while in the city?—A. I did.

3505. Q. Did you see Baker on that day?—A. I did. He took dinner at the same place. He boards there, I believe.

3506. Q. Did you speak to Mr. Baker?—A. Yes.

3507. Q. How was it you came to go to Burchard's?—A. I was going by with my wife, and I said, "Wait, I want to speak to Burchard, an old acquaintance." I said, "Hallo, Burchard, how are you?"

3508. Q. Then your seeing Burchard that day was accidental?—A. Yes, partly.

3509. Q. Did you not go to the city that day on purpose to see him?—A. No, sir.

3510. Q. And with the intention of seeing him?—A. No, sir.

3511. Q. Had Mr. Burchard sent word to you he wanted to see you?—A. Not directly. It was intimated he wanted to see me.

3512. Q. And did you not go there in response or in obedience to that intimation?—A. No; I did not care whether he wanted to see me or not. The time had been set for a few days for me to go there with my wife to see Mr. Paddock.

3513. Q. Why did you take that letter to the city with you?—A. For the same reason I took my pocket-book—it was in my pocket. I carry my correspondence in my pocket usually.

3514. Q. And did you not have a special reason for taking that letter to the city that day?—A. I did not know but it might be called for, as there had been some talk about the letter connected with this contested-election case, and Burchard might fear the letter would be put in evidence, which I found to be true.

3515. Q. When were you subpoenaed?—A. On that day, about half past 2 p. m.

3516. Q. Who subpoenaed you?—A. H. D. Baker.

3517. Q. Did you show him that letter?—A. I did not. He has never seen it, to my knowledge.

3518. Q. Did you show it to your father that day?—A. I did not.

3519. Q. Have you no recollection of seeing that letter since you were in the city last Saturday?—A. I have not.

3520. Q. How long had you carried that letter in your pocket previous to that day?—A. Some time; I don't remember. It came into that pocket changing clothes two or three weeks, perhaps more.

3521. Q. Had your father ever seen that letter?—A. I think he did about the time it came.

3522. Q. Did you ever show him any other letter from Burchard?—A. I am unable to say.

3523. Q. Will you swear positively you ever saw any other letter from Samuel B. Burchard relating to last fall's election beside the one of November 4?—A. I think there was other correspondence.

3524. Q. If you have any impression of that nature, state to whom such correspondence was addressed.—A. To myself or Lyman James.

3525. Q. What occasion was there for Mr. Burchard writing to you between the time of seeing him with Lyman James at his office, a few days before election, and the receipt of that letter by you of November 4?—A. I suppose his object, anxiety for Judge Mason's election and secure all the Democratic help he could.

3526. Q. Now, sir, don't you know just as well as you know anything that you never received a letter from Mr. Burchard between the time of the interview and the letter of November 4?—A. I am under the impression I did. I don't know that I did not.

3527. Q. How is it that you can recollect so well about the receipt of one letter and not another, if written upon the same subject and so short apart?—A. Because they were destroyed, and I supposed this was destroyed until I happened to find it, looking over.

3528. Q. When was this other correspondence destroyed, if ever it had any existence?—A. Some time in the fall. My correspondence had accumulated so I had a large package of letters and papers, and overhauled and burnt up most of them or destroyed most of them.

3529. Q. Now, do you recall seeing another letter from Burchard ?—  
A. I can't recall the contents or purport of a single paper I had.

3530. Q. Is not your memory good about such things ?—A. Yes, of things I regard important, and if I had seen.

3531. Q. Will you let me see the memorandum or paper, the letter of Mr. Burchard of November 4 ?—A. I deny your right to call for or see my private papers.

3532. Q. Do you refuse to let me see that paper ?

(Objected to as a repetition of other testimony, and you should serve him with a subpoena *duces tecum*.)

A. I don't refuse.

3533. Q. I now request you to let me see that paper.

(Objected to. Notaries disagree.)

A. I deny your right to require me to produce that paper. I am willing to accord you all the right and privileges to which you are entitled. If you subpoena me to produce it I will produce it.

(Contestee's counsel asks the notaries to note that the witness does not deliver the memorandum for his inspection.)

3534. Q. Is that memorandum or paper a copy of the original Burchard letter of November 4 ?—A. Very nearly what I gave yesterday was verbatim. I gave that from memory.

3535. Q. In whose handwriting is that memorandum ?—A. Mine.

3536. Q. When did you write it ?—A. Last week some day.

3537. Q. Who was present when you wrote it ?—A. No one.

3538. Q. Was it before or after you missed the letter ?—A. Before.

3539. Q. Why did you make that copy or memorandum ?—A. I can't assign any particular reason.

3540. Q. When was it when you made it ?—A. I don't know when I made it.

3541. Q. And is that memorandum made while it was before you a copy of the original ?—A. I have not testified it was a copy.

3542. Q. I want to know now if that memorandum was a copy of the Burchard letter or not ?

(Objected to as a repetition.)

A. Very near.

3543. Q. In what respect is it different from the original letter ?—A. It lacks completeness.

3544. Q. How were you able to give the contents of that letter verbatim in your testimony yesterday if you did not have the original in your possession or complete ?—A. From memory and the aid of the memorandum ; from memory principally.

3545. Q. Did you make that memorandum from the letter and while before you ?—A. I made it from memory, comparison, and reference.

3546. Q. Comparison with and reference to what ?—A. The letter.

3547. Q. If the letter was before you when you made that memorandum, why did you not make it a perfect and complete copy of the original ?—A. That is presumption. I have not testified it was before me ; I said by comparison and reference.

3548. Q. Was that letter before you when you made the memorandum ?—A. It was not.

3549. Q. When did you compare that memorandum with the letter ?—A. I think the same day I read over the letter, and I think I was at home here.

3550. Q. What was there in the letter by comparison not in the memorandum ?—A. In looking over, I found some omissions. I corrected the more important ones, and it remains the same since the revision.



3551. Q. And is it now a complete copy of the letter?—A. Nearly so.

3552. Q. Did any one help you in that comparison?—A. No.

3553. Q. Can you give the contents of that letter now from memory?

—A. I think I can very nearly, and without the aid of the memorandum.

3554. Q. When did you commit the letter to memory?—A. I can't say.

3555. Q. Haven't you committed from the memorandum, and not from the letter?—A. No, sir; I have not looked at the memorandum until I referred to it yesterday.

3556. Q. Have you looked at the memorandum since testifying?—A. No, I have not.

3557. Q. You may give the contents of that letter now, without referring to that memorandum.

A. "Judge M. was here yesterday. He was not favorable to extending the arrangement in the town of H., but as I have said to you what I did, he advises you to give your personal services. But incur no expense beyond that. It seems to me that the circumstances are such that you and Lynn, by personal efforts at the polls, can run him largely ahead of his ticket. Should the result show that you had, I feel sure he would be glad to reward the effort. But as it stands, don't incur expense beyond your personal services. Signed, Burchard."

3558. Q. Who was the person that you say money was paid to by Judge Mason, and who was the person you said Elias Root gave \$5?—A. I refuse to give the names.

3559. Q. Was you present when Root paid that money?—A. Yes, sir.

3560. Q. Will you name any one whom you know was present?—A. Lamoree took him up there to carry out a promise of Burchard's.

3561. Q. How do you know Lamoree was present?—A. Burchard said he was, and two other persons present told me Lamoree was present.

3562. Q. And who are those other two persons?—A. I don't think you want to know very bad. I decline to give names.

3563. Q. Where was Judge Mason when he is said to have paid some one \$5?—A. At the Doolittle House.

3564. Q. Who do you say was present?—A. Burchard Mason and the man who received the money.

3565. Q. How long was that before election?—A. Was ten days or two weeks before election.

3566. Q. Then, all the information you have as to Judge Mason and Elias Root paying money comes from what others have said to you, does it not?—A. Yes.

3567. Q. Who in the village of Hannibal at or prior to the time of election did you hear say that money had been or was being used in the interest and election of Judge Mason?—A. I heard those say it who received the money.

3568. Give me their names?—A. I decline to give them.

3569. Q. Were there more than two such that you heard say so?—A. No.

3570. Q. When did Burchard tell you he was paying out a good deal of money of his own pocket to promote the election of Judge Mason?—A. At the time I had the interview with him.

3571. Q. You may state what he said about it.—A. He said he was paying out a good deal of money, and he did not want to pay out a large sum without Judge Mason's knowledge or approval.

3572. Q. How many votes did you tell Burchard you could get for Judge Mason?—A. I did not tell him how many.

3573. Q. Did you tell Burchard you thought \$50 would run him largely ahead of his ticket?—A. I did not.

3574. Q. Did Burchard say anything to you about Mason's prospect in the canvass?—A. Yes, he did; said he thought Mason would be elected.

3575. Q. Did he express any doubts about it?—A. I think that was all he said.

3576. Q. Was you interested in the question of sheriff?

(Objected to as immaterial and not in response to anything called out by contestant; overruled.)

3577. Q. From common talk, do you not know that John Gardiner, the Democratic candidate for sheriff, was spending large amounts of money in bringing lukewarm voters to the polls last fall to vote the Democratic ticket last fall?—A. I have some knowledge on the subject, and good knowledge that there was not one dollar expended for that purpose.

3578. Q. Was he not riding the county during the canvass and treating voters whenever and wherever they would accept?

(Objected to as immaterial and not a proper subject of cross-examination, and no part of the issue between Mason and Duffy. Objection sustained; notaries agree.)

3579. Q. Did anybody tell you a day or two before election that Mason would be defeated unless there was something done for him?—A. Yes.

3580. Q. Who told you that?—A. A prominent Republican.

3581. Q. Who is it?—A. I think I will decline to answer; it was confidential.

3582. Q. Did you regard the transaction between yourself and Mr. Burchard a few days prior to election and his letter of November 4 as confidential communications or not?—A. Partly so.

3583. Q. What part did you consider confidential?—A. I considered all partly so.

3584. Q. How do you distinguish a communication that is partly confidential?—A. I think the relations of the parties and practices have much to do with it; besides, this was a question of business and mutual benefit.

3585. Q. Then you think it was not strictly confidential?—A. I have so stated.

3586. Q. Will you name a lukewarm or indifferent Republican who was brought to the polls to vote at last fall's election, and who would not have voted if he had not been sent for or brought?—A. I can't recall them.

3587. Q. Were there any teams working at the polls in the interest of the Democratic and Greenback candidates?—A. No, sir.

3588. Q. Will you swear that no Democrats were brought to the polls in this district, except at their own individual expense?—A. They one-half catch rides and come with their neighbors.

3589. Q. Will you swear that was not the case with the Republican voters?—A. I will swear it was to some extent.

3590. Q. Name any Republicans who were brought to the polls, that were able to bring themselves, and brought by teams?—A. I can't name any. I know there were some so brought.

3591. Q. Whose team was hired, at the expense of the Republicans, to bring voters to the polls last fall?—A. I don't remember.

3592. Q. What Republicans did you regard as so lukewarm and indifferent as not to care to go to the polls to vote last fall?—A. I can't name them; can't remember.

3593. Q. Do you know anything at all, or did you take pains to find out about the number of the poor, sick or infirm voters in this election district?—A. I do know that there are a very few. I don't think there are over five or six.

3594. Q. Will you swear that there are not more than five or six who were sick or poor and infirm at the last fall's election?—A. That is my belief.

3595. Q. How many polling places are there in this town?—A. Two.

3596. Q. Were you in both on election day?—A. No.

3597. Q. How much money have you received, since you were talked of, as witness fees?—A. \$1.50; being fees for two days.

3598. Q. Have you ever seen Duffy?—A. Yes.

3599. Q. When?—A. Last fall.

3600. Q. Did you speak to him?—A. I did not.

3601. Q. Have you seen him since this contest arose?—A. I have not.

3602. Q. Have you seen the counsel, Mr. Baker, since it arose, prior to Saturday?—A. Yes.

3603. Q. Where did you see him?—A. At his office, in the Grant block.

3604. Q. Have you seen him on any other occasion?—A. I think not.

3605. Q. Did you talk with him about this contest?—A. No.

3606. Q. Have you ever been arrested?—A. I think not.

3607. Q. Have you not traveled in company with two women, through the country, who were engaged in the sale or disposal of jewelry, and were you not acting as their agent or assistant, and were you not traveling under an assumed name while in their company?—A. No, sir.

3608. Q. Do you say there is nothing of that?—A. Nothing whatever.

Redirect:

3609. Q. You have stated that money was offered you indirectly for the Burchard letter. You have also stated in 3481, in your cross-examination, that Mr. Burchard did not offer you any money. State in detail the transaction and how the offer was made, and what amount was offered.—A. Burchard asked me if I had the letter. I said I had. He asked me if he should give a certain man ten dollars for me, whose name I decline to answer, if I would give him the letter. I said no. He wanted to know what I did want. I told him nothing; but I felt he ought to carry out the arrangement made with me last fall. He said he did not feel right about it. He thought I ought to receive ten dollars for my services last fall. I told him it was left with him, to carry out his obligation. He said there was nothing in the letter he cared anything about. He asked what was in the letter. I had it with me, and read it to him. He told me to either leave the letter with him, or take it to Lamoree, and tell Lamoree that Burchard wanted me to have \$10. I told him I would not do it. I told him he had promised to give me \$10 last fall, and he could do as he chose about it. I think this is all. (Burchard said Place.)

3610. Q. In answer to question 3469, of cross-examination, your answer is "Yes, sir." State when you called upon him and received money from him.—A. A few days after election I received \$5 from Burchard.

3611. Q. Did you not at last fall's election see two (Democrats) men who usually vote the Democratic ticket conveyed to the polls by Republican conveyances of the Republican party, and vote the Republican ticket?

(Objected to as not in rebuttal, and new matter, and reopening of examination-in-chief. Notaries disagree.)

A. I did.

3437. Q. Do you refuse to try to do it?—A. I can't do it; I don't refuse to do anything.

3438. Q. Give what you call the result.—A. The result was he would furnish the money for this town, \$50.

3439. Q. When was that money to be paid?—A. No day set; would write to Mason. He did not want to make too much expenditure without Mason's knowledge. The work—it was to be paid before the work was done—was to be done with the money.

3440. Q. Was you favorable to the election of Mason before this?—A. I was not, nor in favor of the election of Mr. Duffy.

3441. Q. And why not in favor of Duffy?—A. I supposed him to be a Greenbacker. I did not know he was a Democrat. I had been absent some time; I was not favorable to a Greenbacker to Congress.

3442. Q. And did you prefer the election of a Republican to Congress whose financial views were in favor of the resumption of specie payments?—A. I probably should not have voted for either.

3443. Q. And did you regard yourself on that occasion as having bargained and sold your political influence and services, and also your vote? (Objected to as calling for a conclusion of the witness's mind; notaries agree.)

A. Yes.

3444. Q. Was any bargain closed at that time?—A. No; the reason why I—yes; in the other, no bargain closed then, and never had been.

3445. Q. Then you did not sell your vote last fall nor your political services and influence last fall?—A. No, sir.

3446. Q. How much of that \$50 was you to receive?—A. \$25 to expend in procuring votes.

3447. Q. How much of that did you intend to expend in buying votes?—A. I had no intentions regarding it.

3448. Q. Have you ever bought any votes?—A. I decline to answer.

3449. Q. Are your morals of that nature that will permit you to sell your vote and to buy votes?

(Objected to as immaterial; notaries disagree as to materiality; notary Van Auken decides the witness.)

A. Decline to answer.

3450. Q. Then the bargain with Burchard was dependent upon future advices from Judge Mason, and you looked upon the letter—A. Yes, sir.

3451. Q. And you looked upon the letter which you say you received from Mr. Burchard, and the substance of which you have stated, as the termination of the arrangement made with Mr. Burchard?—A. Yes, sir, so far as it related to myself.

3452. Q. And nothing was done by you as a consequence under that arrangement or proposition made at Burchard's?—A. No.

3453. Q. And you expended no money, did you, in purchasing, or attempting to purchase, votes for Judge Mason?—A. No, sir.

3454. Q. Was anything said to you at Mr. Burchard's as to how you or James was to vote?—A. No.

3455. Q. And no proposition was made, then, looking to the procurement or purchase of your or James's vote for Judge Mason?—A. We were to work for Judge Mason, and run him ahead of his ticket.

3456. Q. Was the manner or the details of the expenditure of that \$50 agreed upon?—A. Not specifically; it was agreed to be used to secure his election, and get as many votes as possible.

3457. Q. Did you receive that letter from Mr. Burchard before election?—A. Yes.

3631. Q. And you said you read some names on those tickets while they were going in?—A. Yes.

3632. Q. Where was that prominent Republican when he told you of this interview?—A. In this village.

3633. Q. Do you not understand that the money D. F. Acker had came from the Republican county committee?—A. I don't understand where it came from. I suppose it came from the county committee.

3634. Q. When did Burchard refer you to Acker for money?—A. After election he wrote a letter to Acker.

3635. Q. Did you see Burchard write that letter?—A. Yes.

3636. Did he deliver it to you, and did you take it to Acker?—A. Yes; he delivered it to me and I lost it.

D. J. VAN AUKEN, JR.

Subscribed and sworn April 26, 1879.

D. J. VAN AUKEN,  
*Notary Public.*  
D. P. MOREHOUSE,  
*Associate Notary Public.*

*Deposition of Robert M. Rogers, jr.*

ROBERT M. ROGERS, jr. sworn.

3637. Question. State your name, age, residence, and occupation.—Answer. Age, forty-two; R. M. Rogers, jr.; residence, Hannibal; occupation, barrel, stave, and lumber manufacturer.

3638. Q. How long have you resided in Hannibal?—A. Thirty-eight or thirty-nine years.

3639. Q. Have you been somewhat active in politics for the last few years?—A. Yes; some ten or twelve years.

3640. Q. From your continued residence in this village have you not become sufficiently acquainted with the citizens of this election district and their political predilections to enable you to judge as to their zeal at the last fall's election for the success of their ticket?

(Objected to. Notaries disagree.)

A. I am pretty well acquainted with this district.

3641. Q. Was there not last fall a large number of lukewarm Republicans in this election district who did not seem or appear to take an interest in the success of the ticket?

(Objected to as before.)

A. They did not seem to care much one way or the other.

3642. Q. In your judgment, state about the number of sick, poor, and infirm voters whom it would be necessary to carry to the polls.

(Objected to. Notaries agree to reserve.)

A. Not over three or four.

3643. Q. Was there not last fall a large number of Republican voters in this district other than the sick, poor, and infirm, who were in such a state of lethargy and lukewarmness of whom it was understood teams must be employed to bring them to the polls?

(Objected to. Notaries disagree.)

A. There was.

3644. Q. Would it require more than one team to provide means to carry them to the polls to vote?

(Objected to and notaries agree.)

A. One team can do it easily.

3645. Q. And how much would that team be worth?—A. Three dollars.

3646. Q. Could \$25 have been advantageously used by the Republican committee in providing for carrying if such carrying of voters had been confined to the poor, sick, and infirm voters?

(Objected to as before. Notaries agree.)

A. I think it could be used to a good advantage in getting out the voters.

3647. Q. Would such expenditure of \$25 in this district tend to increase the Republican vote and diminish the Democratic and Greenback vote?

(Objected to as before. Notaries agree.)

A. I should say it would.

3648. Q. Did you not understand last fall that the Republican committee had in their employ several teams that were being used to bring the lukewarm Republicans, and other teams the poor, sick, and infirm to the polls?

(Objected to.)

A. I so understood it.

3649. Q. Was or was not the Democracy of this district united and harmonious in their support of Mr. Duffy for Congress?—A. Yes; I understood them to be harmonious. I was a delegate to the convention and was sick and could not go.

3650. Q. Were you not last fall a member of the county committee?—A. I was, and am now.

3651. Q. State, in your judgment, what number of Republicans were in a state of lethargy and lukewarmness as to the success of their ticket last fall.

(Objected to, and notaries disagree.)

A. There were thirty or forty, perhaps fifty.

3652. Q. And it was of that number and class you speak of that were brought to the polls, employed by the Republican county committee?

(Objected to and allowed.)

A. I should say it was.

Cross-examined:

3653. Q. What are your present politics?—A. Democrat.

3654. Q. How long have you been a Democrat?—A. Six years.

3655. Q. Have you not voted the Republican ticket or any part of it within that time?—A. I sometimes have voted, when there was a better man.

3656. Q. How long since you were an applicant for office under Republican administration?—A. I never was.

3637. Q. Did you not make an application for appointment in the custom-house?—A. No.

3658. Q. You have or had recently a son in the collector's office?—A. I had last season.

3659. Q. Are you trying to get him reappointed?

(Objected to as immaterial.)

A. Yes.

3660. Q. Is not that fact stimulating your political activity just now?—A. Not in the least.

3661. Q. Please to name the Republicans in this district, in which you are so well acquainted, you swear were so lukewarm and indifferent to the result of the election, who would not have gone there unless carried there.—A. One man, Flannigan, and another living with him; two men by the name of Bidwell, and one Clark, and one Warner, and two Randalls; can't call any more to mind.

3662. Q. Can you swear positively that all of those men attended the polls and voted the Republican ticket?—A. No, sir. No; I don't think any man could.

3663. Q. Do you swear positively that all of those men were brought to the polls by teams paid for by the Republican county committee?—A. No, sir; I could not.

3664. Q. Can you swear positively that any one of those men was so brought to vote, and paid for a conveyance hired by the Republican county committee?—A. I could not swear positively of political matters, but my opinion is that they were. I have been in that party and know how it was done.

3665. Q. How long were you at the polls last fall?—A. Nearly all day.

3666. Q. Do you now remember how every one of those men came to the polls, if they did come?—A. I cannot swear positively how each and every one come.

3667. Q. Name one now that you saw come to the polls and how he came.—A. It is so long since, and not charging my mind, I can't tell.

3668. Q. You paid no particular attention then as to the manner electors came to the polls?—A. I did not give that my undivided attention.

3669. Q. Can you name more than one team in the employ of the Republican committee last fall on election day?—A. I don't know as I could name any particular team, but I know from past experience that men outside are employed to bring in voters and paid for it.

3670. Q. The experience you speak of was acquired, was it not, from observations made by you on occasion of election held prior to last fall?—A. Yes; from observation and experience.

3671. Q. Then you can't name an individual, can you, you can positively swear was employed by any one to bring electors to the polls in the interest of the Republicans, and especially in the interest of Judge Mason at last fall's election?—A. I can't swear positively; I understood Lyman James was, and I understood that D. James, junior and senior.

3672. Q. Did you see Lyman James bringing in voters?—A. I think I saw him.

3673. Q. Will you swear positively that you did?—A. I won't swear positive; that is my impression.

3674. Q. Did you talk with all of those men whom you have named, and whom you understood did not care much about the election; and, if so, when?—A. I talked with most of those men on politics before election.

3675. Q. Did you hear one of them say he would not go to the polls and vote unless carried there?—A. I don't think I heard any man say so.

3676. Q. You did not make a matter of special matter as to how many poor, sick and infirm voters there were at last fall's election?—A. No, sir.

3677. Had your attention been called to that previous to this day?—A. No, sir.

3678. Q. Did you hear any prominent Republican in this election district remark specially upon the indifference of his party to the election last fall; and if you did, can you name him and what he said?—A. I don't know as I can name one.

3679. Q. Ain't it a fact that the Democrats and Greenbackers united served to stimulate the Republicans to greater activity?—A. It would stimulate the office-holders and wire-pullers and not the rank and file.

3680. Q. Was there any difference in that respect between the Repub-

lican party and the other parties?—A. I don't think much difference in that respect.

3681. Do you know that the sum of \$25, or any other sum, was made use of in this election district last fall to aid in carrying the election?—A. I did not see any money paid by Republicans.

3682. Are you certain that the Democrats were united in their opinions and views as to Mr. Duffy's election?—A. Yes; generally favorable to Mr. Duffy.

3683. Q. Was not our friend here, Notary Van Auken, regarded as a little shaky and uncertain by the Democrats who were capable of forming an opinion upon such a delicate subject?—A. I think not.

3684. Q. Is it not a rare circumstance that a political campaign should be inaugurated and carried on without Mr. Van Auken expressing himself fully on the issues involved in the canvass by speeches and otherwise?—A. Yes; usually quite active.

3685. Q. Were not the hard-money Democrats of this neighborhood especially pleased of a soft-money candidate like Mr. Duffy as their candidate for Congress?—A. They did not consider that the Green-backers could effect much and would make no difference, and that Duffy was a Democrat and would act with the Democratic party.

3686. Q. Don't you suppose they would have been better pleased with a man holding their views on the question of finance than by the selection of Mr. Duffy, who was notoriously opposed to those views?

(Objected to as immaterial and contrary to the case.)

A. I don't think they would have been better pleased staking the majority.

Redirect:

3687. Q. You observed the same line of management of the Republicans at last fall's election you observed several years before when you was a Republican?—A. Yes.

3688. Q. Was it not generally understood in this village last fall, and from what you observed did you not believe the Republicans were using money to secure the Republican electors to vote?

(Objected to; that belief is not evidence. Notaries disagree.)

A. It looked that way from general observation.

3689. Q. Would you not feel you had been badly used by evidence such as you have given in response to the last question?

(Objected to as immaterial. Sustained.)

R. M. ROGERS, JR.

Subscribed and sworn, April 26, 1879.

D. J. VAN AUKEN,  
Notary Public.  
D. P. MOREHOUSE,  
Associate Notary Public.

April 28, 1879, met pursuant to adjournment from April 26, 1879, to 9 a. m.

*Deposition of John Dowdle.*

JOHN DOWDLE SWORN.

3690. Question. What is your name, age, residence, and occupation?—Answer. Name, John Dowdle; thirty-five years of age; occupation, county treasurer; live on corner of East Fifth and Albany streets.

3691. Q. How long have you lived there?—A. Lived there always.



3692. Q. You were on the Greenback county committee last fall, were you?—A. Yes.

3693. Q. Were you the treasurer of that committee?—A. I was.

3694. Q. How many of the committee were there?—A. I don't recollect.

3695. Q. Was it the only committee that you knew of that had authority to assess and raise money by an assessment upon candidates?—A. Yes.

3696. Q. Were you the only person as treasurer that was authorized to receive money?

(Objected to as immaterial and incompetent, and not in rebuttal.)

A. I suppose I was treasurer.

3697. Q. Were you present at the meeting of that committee at the office of W. W. Green, in the city of Oswego, at which Sebastian Duffy, the nominee for Congress, was present, when the subject of raising money was discussed, and the purposes for which it was to be raised, after the nomination of Mr. Duffy?

(Objected to as before.)

A. I was present.

3698. Q. Was an agreement then come to for what object money should be raised and expended?

(Objected to as before.)

A. Yes.

3699. Q. State what that agreement was?

(Objected to as before.)

A. It was agreed each candidate should pay for printing tickets and handbills and distributing and circulating them.

3700. Q. Was it then agreed that no money should be raised except for the legitimate expenses (of what was agreed as stated in question 3699)?

(Objected to as before and leading.)

A. It was.

3701. Q. State whether Duffy concurred in that agreement?

(Objected to as before.)

A. He did.

3702. Q. Was an assessment afterward made upon that basis?—A. There was.

3703. Q. How much was Duffy assessed?—A. He paid \$50.

3704. Q. He paid no more than \$50?

(Objected to as before.)

A. He did not.

3705. Q. The assessment not less than \$50?

(Objected to as before.)

A. No.

3706. Q. He paid this money to you as treasurer of the committee?

(Objected to as before.)

A. He did.

3707. Q. What other money was paid to you as treasurer of that committee?

(Objected to as before.)

A. Twenty dollars paid by Mr. Davis, candidate for overseer of the poor.

3708. Q. Was that \$70 all that was paid to you as treasurer of such committee?—A. That was all the money I received as such treasurer.

3709. Q. What disposition did you make of such money?—A. Printing tickets and handbills and distributing them.

3710. Q. And was any of that \$70 paid for any other purpose?—A. No, sir.

3711. Q. Do you know Hippet Donahue, as he is called?—A. I do.

3712. Q. Do you know what his first name is?—A. I don't know.

3713. Q. Is he the Donahue that is a public speaker?—A. Yes.

3714. Q. Did he ask you for money frequently to aid the Greenback cause during—

(Objected to as before, and for the further reason that contestant can't discredit his own witness, Donahue, after having vouched for his integrity; Notaries disagree.)

A. He did ask for money on several occasions.

3715. Q. Did you, on East First street, near Jones's hat store, in the city of Oswego, show Donahue Duffy's check for \$50, or for any other sum?

(Objected to as 3714.)

A. No.

3716. Q. Did you have any conversation with him at that place?

(Objected to as before.)

A. No; not that I remember of.

3717. Q. Did you show this Donahue, or any other Donahue, a letter from Mr. Duffy, on East First street, which contained a statement that Duffy had sent \$50 to be used for election purposes?

(Objected to as before.)

A. No, sir; I did not.

3718. Q. You are acquainted with the names of the candidates at last fall's election, and would recognize them all if your attention was called to it?—A. Yes.

3719. Q. Who were the candidates of the Republicans, Democrats, and Greenbackers for special surrogate; just what ticket?—A. A. Rice, Republican; G. Piper, Democrat; and W. W. Green, Greenback.

3720. Q. Who were the candidates of the respective parties for justice of sessions?—A. E. Potter (Parish), Greenback; A. S. Coey, Democrat; D. L. Brown, Palermo.

3721. Q. Who were the candidates for Congress?—A. Sebastian Duffy, Democrat and Greenback, and Joseph Mason, Republican.

3722. Q. Who were the candidates of the parties for special county judge?—A. John Preston, Republican, Pulaski; Charles B. King, Democrat, Pulaski; and Melvin F. Stevens, Fulton, Greenback.

3723. Q. Who were the candidates of the respective parties for judge of the court of appeals?—A. George F. Danforth, Republican; George B. Bradley, Democrat; and Gideon J. Tucker, Greenback.

3724. Q. Who were the candidates for the office of sheriff of the respective parties?—A. J. Lyman Buckley, Republican, Sandy Creek; John Gardiner, of Oswego, Democrat; and Morgau Van Buren, of Volney, Greenback.

3725. Q. Who were the candidates of the respective parties for district attorney?—A. B. F. Chase, Republican, of Oswego City; Azariah Wait, Democrat, Sandy Creek; John W. Shea, of Richland, Greenback.

3726. Q. Who were the candidates of the respective parties for county treasurer?—A. Samuel H. Stone, of Mexico, Republican, and John Dowdle, of Oswego, Democrat and Greenback.

3727. Q. Who were the candidates of the respective parties for the office of superintendent of the poor?—A. Henry V. Spencer, of Volney, Republican; Willis Nye, of Volney, Democrat; Thomas Davis, of Mexico, Greenback.

3728. Q. Who were the candidates of the respective parties for member of assembly?—A. George B. Sloan, of Oswego, Republican; N. B. Foot, Democrat; and Galen Onderkirk, Greenback.

3729. Q. Who were the candidates of the respective parties for the office of member of assembly in second district?—A. Oliver Breed, of Schoepil, Republican; and Francis M. Baker, Granby, Democrat; and George E. Williams, of Volney, Greenback.

3730. Q. Who were the candidates of the respective parties for member of assembly in the third district?—A. William H. Steel, of Williamstown, Republican; Hugh D. Mellen, Williamstown, Democrat; and John H. Northrup, of Parish, Greenback.

Adjourned to 2 p. m.

At 2 p. m. met pursuant to adjournment. Present: Notaries Van Auker and Case; of counsel, William Tiffany, for contestant, and J. J. Lamoree, for contestee.

3731. Q. Who were the candidates of the respective parties for commissioner of common schools in first district?—A. Robert Simpson, jr., Republican, resides in Hannibal; and William B. Howard, Democrat, resides in Volney; Mortimer F. Bacon, Greenback, Scriba.

3732. Q. Who was the candidate of the respective parties in the second school-commissioner district?—A. Amos J. Richardson, Republican, Palermo; Nelson W. Bates, Hastings, Democratic; and Harmon D. Nutting, Greenback, of Parish.

3733. Q. Who were the candidates in the third district for school commissioner?—A. Edward Lyons, Greenback, Albion; George F. Woodbury, Democrat, of Orwell; J. E. McGeegie, Republican, of Boylston.

Cross-examined:

3734. Q. Who was nominated, if any one, for the office of county treasurer by the Democratic county convention?—A. D. H. Judson.

3735. Q. How long before the election was that?—Y. I don't remember.

3736. Q. About how long before the election did it become known that your name was to be substituted upon the Democratic ticket in place of his?—A. Three or four days.

3737. Q. Who was your predecessor in office?—A. L. H. Conkling, of Mexico.

3738. Q. And for how many years had the office been located at the village of Mexico?—A. A good many years.

3739. Q. At the time that gentleman was last elected county treasurer, three years ago, was there not a strong local effort made on the part of some people in Oswego City, to effect the removal of that office to the city of Oswego, as you understand it?—A. I don't remember.

3740. Q. Was there not such a feeling manifested last fall?—A. I think there was.

3741. Q. You may state what that feeling was, to what extent it existed, and how you account for your remarkable vote in the city of Oswego?—A. I can't tell, or account for it, unless it be that I went and saw every Republican in the city that I knew, and asked him to vote for me for county treasurer.

3742. Q. Did you not find a great many Republicans who were opposed to the office remaining longer at Mexico?—A. Yes, I heard a great many say they thought the office had been there long enough.

3743. Q. It is charged that your predecessor, who resided at Mexico, was a defaulter to a large amount, is it not?—A. Yes, it is so charged.

3744. Q. How much money did you contribute to the campaign ?—A. I could not say.

3745. Q. Can you form any idea ?—A. No.

3746. Q. Do you know how much money John W. Shea put into the campaign ?—A. No, I do not.

3747. Q. Can you form no idea ?—A. No.

3748. Q. He was very active—traveled over the entire county, and held meetings in company with others, as you understood, did he not ?—A. He did.

3749. Q. How many of the Greenback candidates were engaged stumping the county, as you remember ?—A. I could not say.

3750. Q. Did you ever hear any one remark upon the subject of Mr. Shea's expenditures ?

(Objected to as irrelevant, immaterial, and not the subject of examination.)

A. I did not know.

3751. Q. Do you not understand them to have been pretty heavy ?—

A. I think his time amounted to considerable more than the money.

3752. Q. How did you understand his expenses for railroad fares, livery bills, and other traveling expenses were borne ?—A. I never heard him say.

3753. Q. You have no doubt they had to be borne by some one ?—A. I can't say anything about that.

3754. Q. If Mr. Shea defrayed these expenses himself, giving both time and money, you would hardly think it equitable, I suppose, to further bleed him by political assessment for the employment of others to do the same work performed by himself, would you ?

(Objected to as immaterial, and calling for the opinion of the witness.)

A. I can't say anything about it.

3755. Q. John H. Northrop, of Parish, the Greenback candidate for member of Assembly, edited a Greenback paper, did he not ?—A. I believe he did.

3756. Q. And Geslen Ondekook, another Greenback candidate for assembly, also edited a Greenback paper, did he not ?—A. He did.

3757. Q. And George E. Williams, the other Greenback candidate for assembly, also edited a Greenback paper, did he not ?—A. He did.

3758. Q. And those three papers were the Parish Mirror, the Oswego Morning Sun, and the Fulton Times ?—A. Yes, sir.

3759. Q. Did not each and all of those papers support and advocate the election, as you understand, of Sebastian Duffy to Congress ?—A. They did.

3760. Q. Have you any means of knowing why it was that they opposed Judge Mason and favored Mr. Duffy ?—A. I suppose the reason was because they were of the same political faith.

3761. Q. Do you know who printed the Greenback tickets ?—A. I think the Fulton Times.

3762. Q. Did you pay for them ?—A. I paid for a portion of them.

3763. Q. How much did you pay ?—A. I don't remember now.

3764. Q. Have you any idea how much the candidates for member of assembly contributed to the campaign ?—A. No ; I have not.

3765. Q. Was there not in each of the assembly districts of the county an organized effort by the Greenbackers with a view to carrying those respective districts ?—A. I think not. I think that is what they lacked, organization.

3766. Q. Were there not Greenback clubs organized, as you understand, within those respective districts ?—A. Yes ; I believe there was

3767. Q. Did you know of either the Democratic party or the Republican party having organized clubs for local work within these assembly districts?—A. I can't say about that.

3768. Q. Can you now remember of hearing of any?—A. No; I don't recollect.

3769. Q. Are you personally acquainted with Morgan Van Buren, the Greenback candidate for sheriff?—A. I am.

3770. Q. Is he not a gentleman of reputed wealth?—A. Not that I ever heard of.

3771. Q. Have you not heard him placed as high as from forty to fifty thousand dollars?—A. I never heard what he was worth.

3772. Q. Did you know of his expending money last fall for political purposes?—A. No; I was not with him only two or three times, and that was here in the city.

3773. Q. You understood he made a thorough canvass of the county, did you not?—A. Yes, sir.

3774. Q. And such a canvass is attended with expense, is it not?—A. I could not say.

3775. Q. Have you never heard how he expended considerable sums of money?—A. I don't know as he did; at least I never heard it from him.

3776. Q. Who did you hear it from?—A. I don't know as I heard it from anybody.

3777. Q. Has it not been a subject of considerable comment in political circles that Van Buren bled freely?—A. No; I never heard it.

3778. Q. Do you say now you never heard of his using money in the campaign?—A. I don't think I ever did.

3779. Q. Did you see him here in the city the night before the election?—A. No, sir.

3780. Q. You knew of Mr. Duffy's stumping the county in behalf of the Greenback ticket, did you not?—A. I did.

3781. Q. Do you know how much money he put into the campaign?—A. No.

3782. Q. Ondekirk stumped the county also, did he not, for the Greenback ticket?—A. I think he did.

3783. Q. Editor Northrup, of the third district, as you understand, also took a hand in the campaign, did he not?—A. I believe he did.

3784. Q. And W. W. Green, the Greenback candidate for special surrogate, also took the stump for the Greenback ticket, did he not?—A. I believe he did.

3785. Q. Did you understand that Harmon D. Nutting, of Parish, to be an attorney at law, do you not?—A. Yes.

3786. Q. And did you not understand that he also addressed Greenback meetings to some considerable extent in his district?—A. Yes; I heard he done considerable talking in his district.

3787. Q. You also understood, did you not, that George E. Williams took an active part in organizing and addressing meetings in behalf of the Greenback party?—A. I did.

3788. Q. You also understood, did you not, that Colonel Loomis of Chenango County, and John J. Junio, of Syracuse, prominent advocates of the Greenback cause, addressed meetings within this county, did you not?—A. I heard Loomis in this city before the nominations; about 6 weeks.

3789. Q. Have you any idea how much money all these Greenback meetings cost as held within the county of Oswego?

(Objected to as immaterial and irrelevant.)

A. No; I have no knowledge upon that subject whatever.

3790. Q. How do you account for the fact that none of the candidates so actively in the field paid you money except Mr. Duffy and Mr. Davis? (Objected to on the ground that it is irrelevant, immaterial, and does not account for it at all.)

A. I can't account for it.

3791. Q. Did you employ any persons to work at the polls on election day.

(Objected to as before, unless confined to witness as treasurer, and the expenditure of Duffy's money.)

A. No, sir.

3792. Q. Did you pay or promise to pay any one?

(Objected to as before.)

A. No, sir.

3793. Q. You know John Gardenier of this city?—A. I do.

3794. Q. He was the Democratic candidate for sheriff, was he not?—A. He was.

3795. Did you hear about his using money for political purposes?—

A. I did; but how much I don't know.

3796. Q. How much did you hear that he used?—A. I never heard how much.

3797. Q. Did you never have any conversation with him upon the subject?—A. No; I never did.

3798. Q. Have you never heard that Mr. Gardenier had himself declared how that he had men employed in every town in the county to work especially for him at the polls on election day, or words to that effect?—A. I never did.

3799. Q. Did you never hear any estimate made of the amount of money Gardenier put into the campaign?—A. No.

3800. Q. How much money did you pay for teams with which to bring voters to the polls?

(Objected to as before.)

A. I don't recollect how much I did pay.

3801. Q. How many different teams did you employ or authorize to be employed?

(Objected to as before.)

A. I can't tell how many.

3802. Q. Mr. Dowdle, the Greenback party in this city was composed of persons alike from the Democratic and Republican parties?—A. Yes.

3803. Q. Did you ever learn what difference existed between the Democratic and Greenback parties which should cause a Democrat to leave his party and join the Greenback party?

(Objected to as not legitimate cross-examination.)

A. No; I never did learn.

3804. Q. Did you not understand the Democratic party of this State to be avowedly a hard-money party?

(Objected to as before.)

A. I did.

3805. Q. In that respect they were opposed, were they not, to that system of finance advocated and supported by the Greenback party?—

A. I think they were to some extent.

3806. Q. You understood Mr. Tilden to be a hard-money Democrat and a prospective candidate for the Presidency?

(Same objection.)

A. I understood Tilden was a hard-money man, and his name spoken of in connection with the Presidency.

3807. Q. Then you do not, of course, regard him as so much in favor with the soft-money Democrats and Greenbackers, I suppose, as would be a candidate entertaining the financial views of Senator Thurman, of Ohio?

(Objected to as before.)

A. I can't say as to that.

3808. Q. Did you know or hear that some Democrats in the city were opposed to the indorsement of Mr. Duffy?—A. I did hear some Democrats were opposed to it.

3809. Q. Did you hear that some of the leading Democrats were opposed to it at the time?—A. I heard some prominent Democrats were opposed to it; and not in favor of it from the start.

3810. Q. Did you learn the nature of these objections?—A. No; I don't think I did.

3811. Q. Did you not learn at the time, or have you not since heard that Samuel J. Tilden and his partisans were opposed to the inflation idea, and fearful lest the State of New York, by its delegates in the next national convention, might give her support to Senator Thurman unless the growing sentiment of inflation should be measurably suppressed and subdued in the Democratic ranks in this State?

(Objected to as before.)

A. I never heard anything about it.

3812. Q. Was not that question a prominent one before the last Democratic State convention, and have you not heard and do you not understand that the hard-money platform adopted by that convention as a representative of Mr. Tilden's ideas, received only one majority in the committee which presented the same?

(Objected to as irrelevant and immaterial, and not a legitimate subject for cross-examination of this witness.)

A. I don't know. I don't take much interest in politics.

3813. Q. Did you not understand that each and all of the candidates placed in nomination by the Greenback party made a gallant fight for the political supremacy over both of the old parties in this county?—A. Yes, I think they did.

3814. Q. How did the Democratic candidates, in the persons of John Gardener, Azariah Ward, Andrew S. Cory, Charles S. King, Norman B. Foot, Francis M. Baker, Hugh D. Mellen, Giles S. Piper, Wm. B. Howard, Nelson W. Bates, Col. Geo. F. Woodbury, and their friends meet and receive this assault from the Greenback candidates so in opposition to them, so far as you know?

(Objected to as before.)

A. I don't know anything about it.

3815. Q. But you understood these two tickets to be warmly engaged contesting the same field and each intent upon success so far as possible, did you not?—A. I believe I did.

3816. Q. And the campaign was attended with some considerable spirit among all three of the parties, was it not?—A. I believe it was.

3817. Q. Oswego County has been a stronghold of the Republican party, has it not?—A. I believe it has.

3818. Q. Did you understand you received a liberal support from all the parties?—A. I did.

3819. Q. Will you state positively that you never had a conversation with Donahue on First street near Jones' hat store?—A. I never had a conversation with him in that particular place.

3820. Q. Did you receive a check of \$50 from Mr. Duffy?—A. I did.

3821. Q. How do you account for Donahue's knowledge of that fact?—

A. I account for it in this way: He came to me on several occasions and wanted money for services as a speaker for the Greenback cause. On one occasion he came and I told him that the only candidate that had paid any money was Mr. Duffy, which was \$50. I may have said it came in a check.

3822. Q. Name some of those names opposed to Duffy's nomination?—

A. A. S. Page, S. S. Kinyon, and Albertus Perry; can't recall any more.

3823. Q. State who was present at the time of Mr. Duffy's meeting with you—at the time the question of Greenback funds came up?—A. Mr. Shea, Mr. Van Buren, and W. W. Green, and H. D. Nutting, and Mr. Duffy, and myself, and I think Mr. Davis was present.

3824. Q. Where did you meet?—A. At W. W. Green's office.

3825. Q. How long was it before the election?—A. The latter part of September or the fore part of October.

3826. Q. Did you make out an assessment at that meeting?—A. I don't know as one was ever made out.

3827. Q. Do you say that the question of legitimate expenses came up in that meeting?—A. Yes.

3828. Q. At that time you did not know that Mr. Duffy was to run on the Democratic ticket?—A. No.

3829. Q. Do you know how long Donahue was engaged making speeches for the Greenback party?—A. No, I do not.

Redirect examination:

3830. Q. You say you heard Gardiner was spending money; and did you not also hear he was spending it in his own behalf as the Democratic candidate for sheriff?—A. Yes; in a personal canvass.

3831. Q. You say in your cross-examination that you did not know how much money you spent in the canvass, except the sum of \$70—except what you spent in your personal canvass.—A. That is all the money I spent, except what I spent in my personal canvass.

3832. Q. Mr. Dowdle, can you say that you did not spend directly and indirectly more than \$300?

(Objected to as immaterial.)

A. I can't say.

3833. Q. Was not that the rule adopted by the Greenbackers, so far as you know, for each candidate to look out and govern his own expenditures in the canvass?—A. I can't say as there was any rule.

Q. But no one refunded to the candidates for expenses by them, did they?—A. No; not that I know of.

Q. Can you swear that there was not, all told, more than \$2,000 used last fall in this county for political purposes, and to advance the interests of the Greenback ticket, or some portion of it?

(Objected to as before.)

A. I can't say; I don't know anything about it.

Q. Did not these efforts to get out this vote even for individual candidates tend to advance the interest of the whole ticket?

(Objected to as before.)

A. Yes.

And I suppose the more men you get out the more votes there will—  
JOHN DOWDLE.

Subscribed and sworn April 28, 1879,

D. J. VAN AUKEN,  
*Notary Public.*

C. O. CASE,  
*Associate Notary Public.*

Adjourned to April 29, 1879, at 8½ a. m.



STATE OF NEW YORK, *Oswego County*:

We, W. W. Green and S. M. Coon, notaries public of the county of Oswego aforesaid, the said S. M. Coon having been selected by Joseph Mason, contestee, to officiate with the said W. W. Green, the officer named in the annexed notice in taking of the depositions mentioned therein, under the provisions of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America, do hereby certify that Bronson Babcock, Hiram Hammond, David H. Judson, John A. Barry, John Newton, and Alonzo Carson appeared before us, pursuant to the annexed notice, as witnesses on the part of Sebastian Duffy, the contestant in said notice mentioned, and were by us severally sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the contest in said notice mentioned. That we caused the testimony of said witnesses, together with the questions propounded to the witnesses severally by the agents of the parties, and the answers of the witnesses, and each and every of them, which testimony and questions and answers thus reduced to writing we caused to be duly attested and subscribed by said witnesses severally and in our presence and in the presence of the agents of the parties. That testimony was commenced and taken in pursuance of and at the time and place mentioned in the notice to take depositions, which is hereto attached, and was continued from day to day as provided in said notice.

And we further certify that the testimony of said witnesses, and each and every of them, and said questions, and each and every of them so propounded to each of said witnesses, and the answers of said witnesses to the questions so propounded to them, severally appear in the testimony hereto annexed.

[SEAL.]

WILLIAM W. GREEN,  
*Notary Public.*  
S. M. COON, *Notary Public.*

Dated Oswego, May 5, 1879.

UNITED STATES OF AMERICA,  
*State of New York, City and County of Oswego :*

To Joseph Mason, esq., and John J. Lamoree, attorney for Joseph Mason.

Please to take notice that under the provisions of chapter 8, title 2, section 108, of the Revised Statutes of the United States of America, the undersigned, Sebastian Duffy, contestant for the seat in the House of Representatives of the United States of America from said twenty-fourth Congressional district of the State of New York, will proceed on the 17th day of April, A. D. 1879, at the hour of 9 o'clock a. m., at the office of W. W. Green, No. 85 East First street, Oswego City, New York, to take the depositions of the following-named witnesses in rebuttal, residing in the city of Oswego, New York, unless otherwise noted, and the taking of the same will continue from day to day, Sundays excepted, to wit: John A. Barry, Bronson Babcock, Hiram Hammond, James L. Graham, John H. Wood, Nicholas Sands, Michael Ruby, Michael Brophy, Michael Culkin, John Culbertson, Michael Kelley, Alexander Lemmon, Alonzo Carson, Daniel Mullin, Anthony Culkin, Thomas Culkin, John Culkin, Hon. W. A. Poncher, David H. Judson, Nathan M. Rowe, James A. Beckwith, Col. Jas. Doyle, Willis Nelson, R. M. Rogers, jr., John Newton, Miles Kehoe, Phineas Davis, Thomas Austen, Lewis Canty, Thomas Austen, George Allen, Alfred Lovelace, Alexander Lemmon, Phineas Davis, Charles Shepard, Sylvester C. Huntington, Willard Johnson.

That said depositions will then and there be taken by and before W. W. Green, a notary public, and that the taking of said depositions will be continued from day to day thereafter at the same hour and place.

Dated at Oswego City, New York, April 10, 1879.

SEBASTIAN DUFFY,  
By H. D. BAKER, *Attorney*.

Due personal service admitted this 10th day of April, 1879.

JOSEPH MASON,  
By J. J. LAMOREE,  
*Attorney*.

*April 17.—Deposition of Bronson Babcock.*

6126. Question. State your name, age, residence, and occupation.—  
Answer. Name, Bronson Babcock; age, 40 last October; residence, in this city; occupation, attorney at law and real-estate agent.

6127. Q. How long have you resided in the city of Oswego?—A. All my life.

6128. Q. What official position or positions of trust and confidence have you held within the gift of the people of the city of Oswego within the last ten or fifteen years?—A. I have been supervisor of the 4th ward, on the east side, and also supervisor for the first and third ward, and justice of the peace and assessor by appointment.

6129. Q. You have been engaged during the last ten or fifteen years somewhat extensively in the real estate business, buying and selling property?—A. Selling, not buying.

6130. Q. And have during that time been brought in contact with a large number of persons in the employ of the Oswego Starch Factory and Thompson Kingsford?—A. I have.

6131. Q. And have you, at any time during the last ten years, taken more or less an active part in politics?—A. Yes, I have.

6132. Q. Have you been in the habit of observing, and have you had the means of observing and learning from year to year during the past fifteen years how the vote of the persons employed in the Oswego Starch Factory and in the employ of Thompson Kingsford was uniformly cast? If so, answer whether Republican or Democrat.

(Objected to as not being proper evidence in rebuttal, and that same is new evidence in support of contestant's claims, and ought not to be admitted. Notaries differ. Objected to, further, that the testimony for the contestant at this stage of the contest shall be confined to the contradiction of specific witnesses sworn for contestee. Notaries differ.)

A. I have no way of knowing, and I don't see how it can be answered without seeing the ballot go in.

6133. Q. Do you remember the occasion when Paige, as the Democratic nominee, ran for mayor against Jenkins, Republican nominee?—A. Yes, I remember.

6134. Q. Did you take any part or interest in that election in favor of either candidate?—A. No, I didn't take any particular interest other than to vote.

6135. Q. Was it not generally understood and believed that there was an ill-feeling existing between Mr. Thompson Kingsford, manager of the Oswego Starch Factory, and Mr. Jenkins at that time?

(Objected to as immaterial and incompetent for the purpose of rebuttal. Notaries differ. Coon opposed to admission.)

A. It was generally understood that there was an ill-feeling between Mr. Kingsford and Mr. Jenkins at that time.

6136. Q. And did you not understand at the time that the starch factory vote and of persons in the employ of Thompson Kingsford was cast uniformly for Mr. Paige, the Democratic nominee?

(Same objection as before; is calling for the witness' opinion when it already appears that he has no knowledge on the subject from his own evidence. Notaries differ.)

A. That's so long ago I don't see how I can answer.

6137. Q. Do you recollect the occasion of Colonel Doyle running as a Democratic candidate for sheriff against Mr. Brown, of Constantia, as Republican candidate?—A. Yes.

6138. Q. You may give the year as near as you can.—A. I think that was in the fall of 1869.

6139. Q. And was not the Hon. De Witt C. Littlejohn candidate for member of assembly that year as a stump candidate against Benjamin Doolittle, the regular Republican nominee?—A. He was.

6140. Q. Can you give the history of that campaign, so far as it affected the combination for Littlejohn to run after he had been defeated in the Republican convention?—A. I can give it in a few words.

6141. Q. You may give it as it was generally talked in the city.

(Objected to as immaterial, not proper evidence on rebuttal, hearsay, and too remote to affect the issues in this case. Notaries differ.)

A. It was generally understood that if the Democrats would vote for Littlejohn, the Republicans would vote for Doyle.

6142. Q. And did you not understand and do you not believe that at that election the starch-factory vote and vote of Thomson Kingsford's different employés was cast for Doyle and against Brown, the Republican nominee, and also in favor of Littlejohn?

(Same objection, that the impression of the witness called for is not evidence. Notaries differ, not as to competency.)

A. I haven't any knowledge sufficient to answer that question.

6143. Q. Have you not, during and within the last sixteen years, when coming in contact with starch-factory employés, had conversations with them pertaining to their political predilections, how they voted, and why they voted as they did, contrary to their political predilections?

(Objected to as immaterial, not a proper subject of rebuttal, and should be confined to specific persons, and to such persons as have been used as witnesses for contestee, and as assuming a fact not proven. Notaries differ; Coon against admission.)

A. I have.

6144. Q.\* And did or did not those employés, in such conversations, declare, in substance, that they would like to vote the Democratic ticket, but could not do so in safety to themselves, in regard to their situation in the starch factory or employ of Kingsford, or in substance that?

(Objected to as before, and as being hearsay, and should be confined to the last fall's election. Notaries differ.)

A. I would rather not answer that question.

6145. Q. Has it not been common talk and public repute in the city of Oswego that the starch-factory vote and Mr. Kingsford's employés were intimidated; and from what you have seen and learned and been informed by the starch-factory employés with whom you have conversed in regard to their political predilections, and voting contrary thereto, did you not have reason to suppose and believe, and do you not believe, that they are intimidated, either directly or indirectly, to vote the Republican ticket against their honest political predilections?

(Objected to as incompetent and irrelevant as rebuttal evidence; as being hearsay; as calling for witness's opinion, when it already appears

that he has not sufficient knowledge on the subject to give it; and that it should be confined in its scope to occurrences at the last fall's election and relating to it. Notaries differ; Coon for exclusion.)

A. It has been common talk and public repute that the starch-factory vote has been intimidated. The latter part of the question I don't wish to answer.

6146. Q. Have you, at any Presidential or other campaign or election, aided and assisted in preparing Democratic ballots and distributing the same to the starch-factory voters to vote? If so, state when, and what information you received about their voting, and what occurred when you distributed the ballots, and under what circumstances.

(Objected to as incompetent and immaterial as to purposes of rebuttal, and improper as calling for hearsay evidence, and the question should be confined in its scope to last fall's election and matters relating thereto. Notaries differ; Coon opposed to admission.)

A. I would rather not answer. I decline to answer.

6147. Q. State your reasons for declining.

(Objected to as immaterial and improper as rebuttal. Notaries differ. Coon against admission.)

A. I think I can answer that question by saying it would tend to injure the employes of that factory.

6148. Q. State about how many you have had dealings with and came in contact with in that factory and surrounding works.

(Objected to as immaterial and improper as rebuttal, and should be limited to matters relating to last fall's election and the contradiction alone of the witnesses of contestee. Notaries differ. Coon for exclusion.)

A. I have sold real estate to, I think, between sixty and seventy employes of that factory.

6149. Q. And you have conversed with those men on the subject of their political predilections, and voting, or with the greater part of them?

(Same objection as before. Same ruling.)

A. I have with some of them.

Cross-examination of above witness by J. B. ALEXANDER, counsel for contestee:

6150. Q. Have you any knowledge, from your own observation, as to how the voters employed in the starch factory have voted at any past election?

(Objected to on the ground he hasn't answered a question, as I understand it, that this would be a proper cross-examination to.)

A. I have not.

6151. Q. And you make no pretensions to knowing, do you, how these voters have voted?—A. No.

6152. Q. You do not know, do you, how many of those employes are Democratic in politics, or Republican?—A. No; I do not.

6153. Q. And you have no means of such knowledge, have you?—A. I have not.

6154. Q. You have never investigated that matter with a view to finding out?—A. No; I have never.

6155. Q. Have you any personal knowledge of any ill-feeling between Mr. Jenkins, of which you have spoken, as between him and Mr. Kingsford?—A. No; I have never heard either one speak of the other.

6156. Q. Have you any information more than hearsay for supposing that the vote for Mr. Jenkins, when he was a candidate against Mr

Paige for mayor, was affected by any real or imaginary ill-feeling between Mr. Jenkins and Kingsford?—A. No; only from hearsay.

6157. Q. Did you have any personal knowledge of an agreement or combination between Democrats and Republicans by which Democrats were to vote for Mr. Littlejohn for assembly, and the Republicans were to vote for Doyle, when Littlejohn and Doolittle were opposing candidates?—A. No personal knowledge, only common talk of the people.

6158. Q. With how many starch-factory employes have you talked on the subject of politics?—A. I don't see how I can tell. It is impossible to tell.

6159. Q. Do you think that common talk is a sufficient ground upon which to base and believe the charge that Mr. Kingsford has intimidated his employes to vote contrary to their wishes?—A. I shouldn't think common talk was a sufficient ground.

Redirect examination :

6160. Q. Common talk and public repute, together with the information that you received directly from the starch voters of their being required to vote the Republican ticket against their political predilections, was, and is, sufficient grounds to base a belief in the truth of the reports, is it not?

(Objected to as not competent in rebuttal, and as assuming that the witness is possessed of information, of which no evidence has been given. Notaries differ. Coon for objection.)

A. As to common talk, it is as strongly denied as alleged. As to what information I received from employes, I'd rather not answer.

BRONSON BABCOCK.

Sworn and subscribed April 17, 1879, before us.

WILLIAM W. GREEN, *Notary Public*.

S. M. COON, *Notary Public*.

*Deposition of Hiram Hammond.*

6161. Question. State your name, age, and place of residence.—Answer. Name, Hiram Hammond; age, thirty-eight last November; residence, fourth ward, No. 55 East Second street, Oswego City.

6162. Q. What is your occupation?—A. Keeping a hotel and play violin sometimes for dances.

6163. Q. Have you ever been employed by Mr. Kingsford at the Oswego Starch Factory, or any of its surrounding works?—A. I was employed in the box factory.

6164. Q. How long had you been so employed by Mr. Kingsford?—A. Fourteen years off and on.

6165. Q. From the time of your first employment up to the date of your last discharge, for how long a time was you out of the factory?—A. Probably five or six months at one time, and other times not long.

6166. Q. And was you discharged in 1876, after the fall election?

(Objected to as incompetent and immaterial for purposes of rebuttal. Notaries differ. Coon for exclusion.)

A. Yes, sir.

6167. Q. Prior to the time that you went to work for Kingsford, did you or did you not vote the Democratic ticket?

(Objected to same as above, and as being new and affirmative evidence. Notaries differ. Coon for exclusion.)

A. I always voted the Democratic ticket.

6168. Q. Prior to the Presidential election of 1876, did Mr. Kingsford

approach you on the subject of your voting at that election? If so, state when and where.

(Objected to as before. Same disagreement of notaries.)

A. He did, in his office, the day before election.

6169. Q. You may state how you came to go to the office.

(Objected to as new matter and not proper evidence in rebuttal, and as not relating to last fall's election. Same difference of notaries.)

A. He sent for me.

6170. Q. You may state what was said between you and Mr. Kingsford on that occasion relative to your voting the next day.

(Same objection as to the preceding question. Same difference of notaries.)

A. He asked me what my politics was. I told him I thought I should vote for Tilden. I couldn't tell all he said. He told me it would be for his interest for me to vote for Mr. Hayes and for the interest of his men. He allowed if Tilden was elected he couldn't pay the wages he was paying; couldn't pay five shillings a day; he couldn't sell the starch. I told him if it was so much for his interest I would vote for Hayes. It was for my interest too, if it was for his. I said I was not much of a politician, and it would not make much difference. He said he thought I was pretty strong from what he had heard. I told him I had talked a great deal in the shop, more for fun than anything else. I supposed it was there he heard it. I had argued it among the men. That was about all the conversation. When I was leaving the office he wanted me to vote for Hayes, work for Hayes, if I could.

6171. Q. In that conversation, did you, or did you not, say to Mr. Kingsford that if it would keep you from losing your place you would vote for Hayes, or in substance that?

(Objected to; first, as leading; and same objection as to previous question. Same difference of notaries.)

A. I didn't say anything to him about keeping my place. I didn't say I would vote for Hayes to keep my place.

6172. Q. For whom did you vote?

(Objected to as before, and should be confined to last fall's election. Same difference of notaries.)

A. I voted for Tilden.

Adjourned to 2 p. m.

The direct examination of Hiram Hammond resumed by H. D. Baker, contestant's counsel:

6173. Q. Do you know of any other employes of the starch factory that were sent for to go to Mr. Kingsford's at the same time you were?

(Objected to as new matter and not in rebuttal according to the requirements of the statute, and does not concern or relate to last fall's election. Notaries differ.)

A. I believe there was two more at the same time.

(Objected to as not responsive, and contestee's counsel moves to strike out, as witness gives belief and not knowledge.)

6174. Q. Do you know that there were any more sent for at the same time?

(Same objections. Same difference of notaries.)

A. There were two more who worked in the same factory.

6175. Q. Was there a ticket given you at the polls by a starch-factory man at that election?

(Objected to same as last question. Same difference.)

A. Yes, sir.

6176. Q. You may state what occurred that day as to your getting your tickets, your voting, and what was said to you on your return to the factory, if anything.

(Objected to as before. Same difference of notaries.)

A. I changed my ticket; pasted it over; put a Democratic ticket on top of it. I voted it. Nothing was said only by the boys who worked there; some of them told me I was pretty cute in changing my ticket.

6177. Q. On this occasion did you not leave the immediate presence of the bosses to change your ticket?

(Same objections. Same difference.)

A. I did. I didn't do it before their faces.

6178. Q. Had it not been your habit during the time that you worked in the starch factory to get your ticket from a starch-factory boss or man on the day of election?

(Objected to as before.)

A. That was the way that I got my tickets.

6179. Q. And is not that the way the employes got their tickets so far as you observed and learned?

(Objected to as before. Same difference.)

A. As far as I know they got them that way.

6180. Q. From your acquaintance with the starch factory and surrounding works, and your long-continued employment there, and from what you have observed and learned from conversations and remarks of the employes, are not a large majority of them Democrats by political predeliction, in your opinion?

(Objected to same as before and as being hearsay. Notaries differ as before.)

A. I could not say anything about it. I would not want to say anything about it.

6181. Q. Did you not hear and learn as soon as you got back to the factory on the day of election, that it was known that you had cut your ticket?

(Objected to as new matter, not in rebuttal, and does not relate to last fall's election. Same disagreement.)

A. Only what the boys told me that worked there, as I said before.

6182. Q. Is it not generally known and understood among the employes of the starch factory and adjoining works that they are expected to vote the Republican ticket?

(Objected to as before. Same disagreement.)

A. My opinion was they wanted me to vote it.

6183. Q. So far as you know, is it not the case as to other employes?

(Objected to as before. Same disagreement.)

A. I don't want to say.

6184. Q. In your judgment, is there not some six hundred men in the employ of Mr. Kingsford and the adjoining works who reside in the different wards of the city of Oswego?

(Objected to as before and as leading. Same disagreement as to exclusion.)

A. I don't know as to how many now.

6185. Q. In your judgment has there not ordinarily been in his employ during the summer and fall for the past five or six years some six hundred men, or about six hundred men?

(Objected to as before, and further that the inquiry should be restricted to the number of voters employed about the factory at the time of last fall's election. Notaries differ. Coon for exclusion.)

A. I don't know.

6186. Q. Have you not heard by common repute during that time that there was about that number ?

(Objected to as before. Same disagreement of notaries.)

A. I have heard them say there was 600 men at one time.

(Counsel for contestee moves to strike out the answer as not responsive.)

6187. Q. You do not know of any large diminution of the employés during that time, do you ?

(Objected to as before and as leading. Same disagreement of notaries.)

A. No; I don't.

6188. Q. Did you not hear from common talk and public repute that the number of Kingsford's employés was largely increased last fall before election ?

(Same objection as before, and as hearsay. Same disagreement of notaries.)

A. All I know, that he was building a new building, and a good many men employed about it. I don't know much about it.

Counsel for contestee moves that the answer as taken be either stricken out, or that the rest of the answer made by the witness to the same question be inserted.

6189. Q. Did you not understand that by reason of the new building being erected by Mr. Kingsford, that he had increased the number of his employés before election ?

(Objected to as before, and that understanding isn't proof. Same disagreement.)

A. I have heard say there was over a hundred men employed on the new building at its commencement; I don't know whether before election or after election.

6190. Q. Have you sought employment in the factory since your discharge ? If so, have you been able to get it ?—A. Yes, sir; I have sought it. No, sir; I wasn't able to get it.

Cross-examination by J. B. ALEXANDER, counsel for contestee :

6191. Q. Where were you born ?—A. I was born in Scriba.

6192. Q. What year did you commence work in the factory ?—A. In the summer of 1862, I think.

6193. Q. What doing ?—A. Dressing boxes and finishing them.

6194. Q. Have you done any other kind of work there ?—A. Not to amount to anything; that is the principal work I have done.

6195. Q. How long did you work there on that occasion at your first employment ?—A. I worked there till 1876.

6196. Q. Without any interruption to your service ?—A. I don't think of any. I did not work there steady all the time.

6197. Q. What was the occasion of your not working there all the time ?—A. On the first occasion I quit, and started a meat market during the winter, probably six months. Then I was out a month or two or three months, don't know exactly how long, while they were building the box factory over. There was other times when I was idle, getting a new leg made, or repaired, or something.

6198. Q. Did you not quit the factory because you thought you could do better keeping a meat market ?

(Objected to as immaterial. Notaries differ as to exclusion.)

A. Yes, sir; that's what I left for.

6199. Q. And didn't you leave on the last occasion because you thought you could do better keeping a hotel ?—A. No, sir; it was a business I did not want to go into. I went into it because I couldn't do any better.



6200. Q. At what election did you first vote?—A. I don't remember; it was so long ago. It was in the third ward then, now fifth.

6201. Q. Was it a spring or fall election?—A. I think it was in the fall.

6202. Q. What office did you vote to have filled?—A. I don't remember.

6203. Q. Was it a State or city election?—A. I think it was a State; not sure.

6204. Q. How many times did you vote before you went into the starch factory to work?—A. I couldn't say.

6205. Q. About how many times?—A. Three or four times at least; may be more.

6206. Q. And you went into the starch factory in the summer of 1862 to work?—A. Yes, sir.

6207. Q. And you were thirty-eight years old on the 11th November last?—A. Yes, sir.

6208. Q. Did you vote the first year you went into the starch factory to work?—A. I couldn't say whether I did or not; I think I did.

6209. Q. What ticket did you vote?—A. I voted the Democratic ticket, I think, if anything.

6210. Q. Are you as sure that you voted before you went into the starch factory to work as are you that Mr. Kingsford talked to you about election matter in the fall of 1876?—A. Yes, sir; I am.

6211. Q. And are you sure that you went to work in the factory in the summer of 1862, as you have twice stated?—A. Yes, sir; I am pretty sure of it; that is, I went to work in the box factory.

6212. Q. As sure as anything else you have testified to?—A. I think I am; I am pretty sure of it.

6213. Q. Your answers as to your work relate to the box factory as an adjunct to the starch factory?—A. Yes, sir.

6214. Q. And you voted before you went into the box factory?—A. Yes, sir.

6215. Q. What year did you become 21 years old?—A. I can't tell exactly, now, at present.

6216. Q. Was it not November 11, 1862?  
(Objected to as immaterial and only done to badger the witness and consume time.)

A. It was before that.

6217. Q. How much before that?  
(Same objection to all this line of examination by contestant's counsel.)

A. I will have to figure it up; I think I was born in 1840.

6218. Q. Will you now swear that you voted at any election before you went to work in the box factory?—A. I think I did, sir.

6219. Q. And at three or four elections?  
(Objected to as immaterial and a repetition of the cross-examination. Objection overruled.)

A. I think it was three; I ain't sure; three or four as I said before.

6220. Q. Did you vote knowingly before you was 21 years old?—A. No, sir. I might have this age wrong. I might be 39 instead of 38 years old. I haven't got the record.

6221. Q. Didn't you ever vote the Democratic ticket after you went to work in the starch factory?—A. Yes, sir; the first year or two I went to work nothing was said to me about voting.

6222. Q. Assuming that you were in fact thirty-nine years old on the 11th of last November, you could have cast but one legal vote, could you,

and that at the spring election of 1862, before you went into the factory ?

(Objected to as calling for a conclusion.)

A. I can't make it out now.

6223. Q. Did you know much about elections or care much about elections before you went to work in the factory ?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. I don't think I did care much about it.

6224. Q. Did you understand what the counsel, Mr. Baker, meant when he asked you about your political predilections ?—A. I suppose he wanted to know what my politics were ; what I voted.

6225. Q. Do you now know whether you voted the Democratic ticket at all or not before you went to work in the box factory ; and will you swear you did ?

(Objected to as immaterial and a repetition of the cross-examination.)

Examination had proceeded up to this point when the witness inquired if he was under oath, and said he had not been sworn. And being then sworn, it was by mutual consent agreed that the former questions already put to the witness and the answers made to them should be read to him for his adoption, change or modification by him so put under oath, as he might know to be proper and right, which changes and modifications are hereinafter noted, as follows :

In answer to question No. 6161 witness says: "I can't say what my age is within a year or two."

In answer to question 6192, witness modifies by adding, "I am not positive."

In answer to question 6205, witness says, "I will not say how many times."

In answer to question 6206, witness modifies by adding to the answer, "I think I did."

In answer to question 6207, witness adds, "but I am not positive."

Witness answers in reply to question No. 6225, "I did if I voted any."

6226. Q. You may be entirely mistaken as to your having voted at all before you went into the starch factory ?—A. No, sir. I think I voted at least once, I am sure.

6227. Q. What month and what day of the month do you claim you were discharged from service by Mr. Kingsford ?—A. I think it was in December. I don't know what day of the month. It was the Friday before Christmas, or the Friday before New Year's, can't tell which. It was settling-up time.

6228. Q. That was at the close of the year's work, was it not ?—A. Yes, sir. They call it settling-up time to close the books once a year. There is a little time back at the close of the year. We go to the office and sign the books and get our pay for the time back. They only pay up to Saturday night generally, and pay on the Tuesday following.

6229. Q. When you reached Mr. Kingsford's office on the occasion you have spoken of, the day before election, was there any one else present ?—A. Yes, sir. There was another man in the office. I think there was only one beside himself and me.

6230. Q. Who was that ?—A. I think it was Mr. Howe—the old gentleman that is always in there. I think it was him, but won't be sure.

6231. Q. Who spoke first, and what was said ?—A. I couldn't say who spoke first. I suppose he saluted me when I went in. He always does. He asked me what my politics was, or how I was going to vote, or something that way.

6232. Q. What did you say?—A. I said I thought of voting for Tilden.

6233. Q. What was next said, and who said it?—A. I don't remember all that was said. We talked over about the South, and it would be for his benefit to have Mr. Hayes elected, and also for my benefit, and all that worked for him.

6234. Q. He made then an argument to you on the political situation? (Objected to as calling for a conclusion.)

A. Yes, sir.

6235. Q. If you had not been in the employ of Mr. Kingsford at that time, and he had made the same remarks to you that he did on that occasion, would you have taken offense at them?

(Objected to as immaterial. Notaries differ.)

A. I don't know whether I would or not.

6236. Q. If he said one word to you on that occasion that was personally offensive to you, or that you thought was calculated to degrade you in your own eyes, or to intimidate you in your political action, state what it was.

(Objected to as calling for a conclusion.)

A. I don't know as he offended me very bad; but he wanted me to vote for Mr. Hayes for President, and work for Mr. Hayes—that is, to talk in favor of Hayes and do what I could for him.

6237. Q. Well, did you think there was anything very bad about that request?—A. Well, at the time I didn't like it very well. I had promised him to vote for Hayes, if it was for his benefit as much as he supposed, but come to working for him, I didn't like it, his asking me to work for him. I did object to voting for him at first.

6238. Q. What was meant by working for Mr. Hayes?—A. To talk and influence men to vote for Hayes, and help elect him, I suppose. He said to work for Hayes.

6239. Q. What time of day was this?—A. I could not tell.

6240. Q. Were you sent down to the polls the next day to work for the Republican ticket?—A. No, sir. I was never sent to the polls to work, only to vote.

6241. Q. When you promised Mr. Kingsford to vote for Mr. Hayes, did you mean to do it?

(Objected to as immaterial.)

A. I don't know whether I intended to vote the ticket then or not. I knew I wouldn't if I could get a chance to get out of it.

Adjourned to 9 o'clock April 18.

Cross-examination of HIRAM HAMMOND on oath resumed April 18:

6242. Q. Had Mr. Kingsford ever talked with you on the subject of politics before that occasion?—A. I don't remember as he did.

6243. Q. On this occasion was his manner kindly and courteous towards you?—A. Yes, sir.

6244. Q. And he said on your leaving he would like you to vote for Mr. Hayes and work for him, if you could?—A. Yes, sir.

6245. Q. Now, sir, if you really intended to vote for Mr. Tilden when you were telling Mr. Kingsford that you didn't care much about it, and would vote for Mr. Hayes, do you not think it would have been more manly to have told him exactly how you felt in the matter than to have attempted the deception which you admit you was practicing upon him?

(Objected to, 1st, as immaterial, and calling for a conclusion of morality. 2d. Simply intended to reflect upon his morality. 3d. The conduct of Kingsford being an interference with the witness's right of fran

chise, he had a perfect right to say one way and act another. 4th. The witness having been in fear, and led to believe that if he did not vote in accordance with the wish of Mr. Kingsford he would lose his situation, had a perfect right to do as he has said, promise, but vote the other way, and in accordance with the dictates of his own conscience. 5th. As assuming a state of facts not proven. 6th. That it is a distortion of the witness's former testimony.)

A. No, sir, I don't. I'd sooner tell a lie than give my principles away or vote against my principles.

6246. Q. Had Mr. Kingsford threatened you with any consequences in case you didn't vote for Mr. Hayes?

(Objected to as immaterial. Notaries differ.)

A. No more than what he said, as I swore to before.

6247. Q. How many men were discharged at the same time you were, at the close of the year?—A. Four besides myself in the same shop, as near as I can recollect.

6248. Q. Give me their names.—A. Jeremiah Galvin, Michael Kelly, John Cusick, Frank Mosier, and Alonzo Robinson, engineer, in a different part of the building.

6249. Q. Was Jerry Galvin a Republican or a Democrat?—A. I think his principles were Democratic.

6250. Q. Why do you think his principles were Democratic?—A. Because he said so himself, and worked right alongside of me.

6251. Q. Was not Alonzo Robinson an active Republican politician?—A. I don't know for sure.

6252. Q. Don't you know the Republicans had elected him school commissioner prior to that time?—A. I know he was elected, but I don't know much more about it.

6253. Q. Wasn't John Cusick a Republican?—A. He pretended to be.

6254. Q. Do you think he did not mean what he said, and Jerry Galvin did?—A. I don't know what Cusick meant.

6255. Q. Is not Frank Mosier a Republican?—A. I think he is; I couldn't say.

6256. Q. Did you ask why you were being discharged at the time you were?—A. I don't think I did at the time I was discharged.

6257. Q. You rather expected more employment there, didn't you?—A. I couldn't say.

6258. Q. You went there for it on some occasions, didn't you?—A. Yes, sir. I didn't know whether I could get it or not. I tried pretty hard to get back, rather than to go to selling whisky.

6259. Q. Will you swear that when you and those other men were discharged that you were not told at that time that there was not work enough then for the whole force, or in substance that?

(Objected to as immaterial.)

A. I think Mr. Gillett said, when he discharged me, they wanted to reduce the help, in reply to my question. I did not understand him the first time he spoke. He talked very low. Then I asked what he said.

6260. Have you ever told anybody that you were discharged because you voted for Mr. Tilden?—A. Yes, sir, I have. That was my best opinion and belief as to what I was discharged for.

6261. Q. Who did you tell so, and when, for the first time?—A. I couldn't say. Probably told a good many.

6262. Q. When did you commence telling that stuff?—A. Couldn't say, exactly.

6263. Q. Was it the same winter?—A. I think it was.

6264. Q. Who did you get your Republican tickets from when you

voted in the fall of 1876?—A. I couldn't swear exactly. I think Mr. Soules. I ain't sure who.

6265. Q. And are you unable to state positively from whom you got that ticket?

(Objected to as a repetition of the question, witness having substantially answered as to his knowledge.)

A. On the way down, not quite at the polls, I asked Mr. Soules for a ticket. He did not have it. I am not positive whether he handed me one or got somebody to.

6266. Q. Where were you standing when you got that ticket?—A. Right in front of the polls or a little one side.

6267. Q. Who did you get your Democratic ticket from?—A. I don't wish to tell the man's name I got it from.

6268. Q. And you refuse to tell who you got it from?—A. Yes, sir; I do.

6269. Q. Did you tell any one on that day how you voted?—A. I don't think I did.

6270. Q. Your ticket was folded when you voted it?—A. Yes, sir.

6271. Q. And nobody could see what it was except yourself?—A. They could see the head.

6272. Q. But the head was a Republican head, was it not?—A. Yes, sir; it was.

(Contestant's counsel objects to question on the ground that it assumes a state of facts not sworn to.)

6273. Did you ask the man you got your Democratic ticket from to keep the matter a secret?—A. I don't think I did. He would keep it secret as well as I would.

6274. Q. And he was at work in the factory at the same time, was he?—A. Yes, sir.

6275. Q. And was distributing Democratic tickets at the polls, was he?—A. I don't think he was, any more than these Democratic pasters. He was not working round the polls.

6276. Q. Is he the man that told you when you got back to the factory that you had acted pretty cute in changing the ticket the way you did?—A. No, sir.

6277. Q. Who were they that told you that?—A. I don't wish to tell their names; they are working there now.

6278. Q. Do you refuse to give their names?—A. Yes, sir.

6279. Q. And they told you this just as quick as you got back to the shop?—A. Probably within an hour, I think.

6280. Q. How many of them talked to you about it?—A. There was two.

6281. Q. And had you told any one up to the time of their talking to you about it what you had done?—A. No, sir.

6282. Did you tell any one before you were discharged what you had done?—A. I couldn't swear that I had.

6283. Then you didn't allow to those two men that you had voted the Democratic ticket?—A. No, sir; I think I didn't.

6284. Q. Were you inquired of by Mr. Kingsford or by Mr. Gillette, the foreman in your department, or by any other foreman in the factory as to how you had voted?—A. I don't think I was.

6285. Q. If you really thought you was discharged for political reasons, and that voting contrary to the desires of Mr. Kingsford was a sure ground of discharge from employment there, why did you seek employment there again?

(Objected to as immaterial. Notaries differ.)

A. Because I wanted work.

6286. Q. How many times did you apply there for work after your discharge?—A. I don't know exactly; five or six, I guess.

6287. Q. And you said nothing on any of those occasions about what you had done at the polls?—A. No, sir; I think not.

6288. Q. Why did you not?

(Objected to as immaterial. Notaries differ; Coon for admission.)

A. Because I had no reason to tell anything about it, as I see.

6289. Q. You say, do you, that you went to selling whisky because you couldn't get any work?—A. No work such as I could do on account of having but one leg.

6290. Q. Do you wish it to be understood from your last answer that there are but two kinds of employment in this city for men with one leg, namely, working in the starch factory, or selling whisky?

(Objected to as immaterial, witness having already fully answered, and as badgering the witness.)

A. There is more, I suppose. It is a business I could get into with less capital than anything else. There is more profit in a quart of whisky, I suppose, than in a whole barrel of sugar, and I do not want to sell peanuts.

6291. Q. Have you ever been arrested?

(Objected to as immaterial and incompetent. Notaries differ. Coon for admission.)

A. I won't answer it.

6292. Q. Have you not been convicted and fined for selling liquor without a license?

(Objected to on same grounds as last; and also that it is only asked out of spite and to insult the witness. Notaries differ. Coon for admission.)

A. I was fined once \$25.

6293. Q. You find your present business so remunerative and satisfactory that you would not return to your former employment in the factory if you had the opportunity to do so?

(Objected to as immaterial. Notaries differ.)

A. I decline to answer it. No, sir; I would not.

#### Redirect examination:

6294. Q. At the time Mr. Kingsford sent for you to his room to talk with you as to how you intended to vote, was there nothing existing in the starch factory, and had there not existed for several years prior to that time a rule or system about the voting of the men, and the reporting the same to one of the bosses or Mr. Kingsford? If so, you may state the same.

(Objected to as reopening of the direct examination, and as being new matter, and not admissible as rebuttal, and as asking for the conclusion of the witness when the facts, if any, should be given. Notaries differ. Coon for exclusion. Green holds they are all questions of competency.)

A. At one time, I don't know how long ago, we were sent over to a room in the factory on election day, and I think we gave our names there as we went to vote, and when we came back we reported there who we got our ticket from, at the same room. That's all.

6295. Q. By whom were you ordered to report there, and who was the person receiving the information as to who you got your ticket from?

(Objected to as before, and inquiry should be confined to occurrences of last fall's election. Same difference of notaries.)

A. I couldn't remember which man it was. I suppose it was my boss

that sent me there or some of the foremen. I couldn't remember now who was the person who received the information. I forget now; knew then.

6296. Q. You may explain how you changed your ticket in the fall of 1876 from the one you were expected to vote to the one you did vote.

(Objection same as before, and as a reopening of the subject already gone into it; also as an attempt of counsel to consume his own time.)

A. I went around back of the house into an outhouse and changed my ticket there by putting on a paster.

6297. Q. You may state the position of the starch-factory bosses, or foremen, on the day of your change of tickets, in regard to the polls, and was not one of them, at least, standing in close proximity to the ballot-box?

(Objected to as before, and as leading. Notaries differ.)

A. I couldn't stay there but a few moments.

6298. Q. When you say you refuse to tell from whom you received your Democratic paster, you may state why you refuse so to tell.

(Objected to as before. Notaries differ as before.)

A. Because I think it would injure him. He is an employé in the box factory.

6299. Q. On occasions of Republican victories, state the practice as to jollifications in the starch factory as to the victories, and the acts of bosses, foremen, and Mr. Kingsford.

(Objected to as immaterial. Notaries differ; Coon for exclusion.)

A. After the elections they will fetch us over to the factory and treat us to beer and crackers and cheese.

6300. Q. And that on occasion of Republican victories?—A. I suppose so.

6301. Q. From the facts and circumstances attending your interview with Mr. Kingsford, and from your knowledge of the requirements of the different employés to receive tickets from the bosses at the polls, did you not honestly believe that you were discharged from your employment because you had voted for Mr. Tilden contrary to Mr. Kingsford's directions?

(Objected to as incompetent in rebuttal, as a reopening of the examination on that point, and as calling for the belief of the witness. Notaries differ; Coon for exclusion.)

A. I believe it, but I would not swear to it.

6302. Q. Did you not understand Mr. Gillett's politics to be Republican?—A. I supposed they were.

6303. Q. You have never been arrested for any other crime or misdemeanor further than violation of the excise law on one occasion, have you?—A. No, sir.

Redirect examination:

6304. Q. When was it that the men in the box factory or starch factory were sent to the office to be told from whom they should get their tickets, and also to report subsequently and after voting, from whom they had received their tickets?—A. I don't remember what year it was.

6305. Q. Did that thing occur in the last fall election?—A. I don't know; I wasn't working there.

6306. Q. Did it occur at the fall election of 1876?—A. No, sir.

6307. Q. Has there been such an occurrence since the death of Thomas Kingsford?—A. I couldn't say.

6308. Q. How many times did that occur during your employment in

the factory?—A. I don't remember only once; it was not in the office; it was in the factory across the road we were sent to.

6309. Q. How long, sir, was that after you first commenced there?—A. I couldn't tell how long, nor the year.

6310. Q. Were you one of the men who went across to the starch factory to receive the directions you have sworn to?—A. I am one of the men that went across and gave my name and reported back who I got my ticket from when I came back.

6311. Q. To whom did you first report on that occasion?—A. I don't know who it was; I don't remember.

6312. Q. To whom did you report after you had voted, if you did vote?—A. Reported at the same place; don't remember who to.

6313. Q. Can you swear to the time of that occasion within five years?—A. No, sir; I wouldn't like to; I have no memorandum of the time.

6314. Q. Do you know whether you voted a Republican or Democratic ticket on that occasion?—A. I think I voted the Democratic.

Adjourned to 2 o'clock p. m.

Recross examination of HIRAM HAMMOND resumed by J. B. ALEXANDER, counsel for contestee:

6315. Q. From whom did you get your ticket on the occasion of your voting at that time that you voted?—A. I got the tickets either at my own house or on my way to the polls; I couldn't tell; Mr. Shepherd, or some one else.

6316. Q. Did anybody go with you from the factory to the polls?—A. I think there was one man with me at the time, Jerry Galvin, I think.

6317. Q. What did you report when you got back to the factory?—A. I reported the man I got the Republican ticket from.

6318. Q. Will you swear positively that you got a Republican ticket from Aleck Southwick at that time?—A. I wouldn't swear positively that I got it from him.

6319. Q. What was that election for?—A. I couldn't say.

6320. Q. Can you remember any candidate for whom you voted on that occasion?—A. No, sir.

6321. Q. Was it a city or State election?—A. I couldn't say positively; I think it was in the fall.

6322. Q. Have you any impression about the name of the candidate?—A. No, sir; I couldn't swear. It was a good while ago.

6323. Q. Have you talked with Jerry Galvin recently?

(Objected to as immaterial; subject of conversation should be defined. Notaries differ; Coon for admission.)

A. Yes.

6324. Q. When did you talk with him last?—A. I couldn't tell exactly. Probably ten days ago, or less.

6325. Q. Will you swear that you didn't talk with him this week?

(Objected to as superfluous; you had the witness's recollection. Notaries differ.)

A. I don't think I have this week. I know I have not since I was subpoenaed here.

6326. Q. When were you subpoenaed?—A. Tuesday of this week, I think; the 18th.

6327. Q. Was the arrangement of which you have spoken for the factory voters not made merely for their convenience, and for the purpose of seeing that all who wished to vote had voted, and to determine the



time of their absence from the factory. Will you swear that such was not the case?

(Objected to as calling for the conclusion of the witness, the facts speaking for themselves; 2d, the witness is not competent to speak. Mr. Kingsford being the manager, and being and having been within the jurisdiction of the notaries, should have been called by the contestee.)

A. I don't know.

6328. Q. You mean by your last answer, that you don't know whether that was the case or not?

(Objected to on same ground as before, and that it is a repetition of last question.)

A. No, sir; I don't know.

6329. Q. When you, in 1876, changed your ticket in the outhouse, what names were on the Democratic ticket which you voted?—A. I read them at the time; I can't remember the names now.

6330. Q. About how many names were there on the ticket?—A. I can't remember how many.

6331. Q. Was the name of Samuel J. Tilden on the ticket?—A. I couldn't say whether his name was on in full. I know there were several names.

6332. Q. Was the name on at all?—A. I wouldn't say whether it was or not.

6333. Q. Was any other business talked of at that interview with Mr. Kingsford besides what you have given?—A. No more than I have given. No conversation except as to politics.

6334. Q. Was there not a fellow-workman of yours discharged at the same time that you were for voting for Hayes?

(Objected to as immaterial, incompetent; witness has not shown himself competent to speak how his fellow-workman voted; indefinite, as not giving his fellow-workman's name.)

A. I couldn't say, sir. I couldn't say what he voted. He didn't vote at the same polls I did.

6335. Q. Have you not made a statement to that fact in this room to-day?

(Objected to as immaterial.)

A. I might have made a statement that he said he voted for Hayes; but I don't know he did.

6336. Q. And you believed he voted for Hayes?

(Objected to, as witness not having shown sufficient knowledge. Notaries differ; Coon for admission.)

A. No, sir; he said he voted for Hayes.

6337. Q. Were you instructed on the occasion of the election of 1876 to get votes from any of the bosses?

(Objected to as a repetition.)

A. No, sir.

6338. Q. Or do you know of any employé who was?—A. No, sir.

6339. Q. When was there a meeting of the employés after an election at which beer, crackers, and cheese were served?—A. I couldn't state the time. There was two different times I remember.

6340. Q. When was the last occasion of that kind? Give me your best recollection.—A. I think it was within less time than ten years—might be more, might be less.

6341. Q. Was it in the life of Thomas Kingsford?—A. I couldn't tell.

6342. Q. You didn't make any objection to attending the sociable, did you?

(Objected to as immaterial. Notaries disagree.)

A. No, sir; it was in working hours.

6343. Q. Had you voted the Democratic ticket as usual on that occasion?—A. Yes, sir.

6344. Q. Will you now swear positively that you were at work in the starch factory or box factory, where Mr. Gillette is employed, at any time in the month of November, 1876?—A. Yes, sir; I was working there.

6345. Q. Will you swear positively that you were at work in that box factory on the day of the election when Samuel J. Tilden and Rutherford B. Hayes were opposing Presidential candidates?—A. Yes, sir.

6346. Q. Do you swear that it was your understanding and belief that you would not receive work in that factory if you were not a Republican in politics and did not vote the Republican ticket?—A. That was my belief.

6347. Q. Why, then, if you wished to retain work in the factory, as you say you did, did you argue the side of Mr. Tilden or advocate Mr. Tilden's election?—A. What talk I done was done before I was fetched to the office, and mainly in the shop. Afterwards I didn't talk it.

6348. Q. And did it not occur to you, believing, as you say you did, that not voting the Republican ticket would result in your discharge from service, you were by such talk among the hands imperilling your position in the factory?—A. Well, I didn't think any of them would go and tell it to Mr. Kingsford.

6349. Q. Were you afraid to talk such talk before Mr. Gillette?—A. Yes, sir; I was.

6350. Q. Then you didn't talk any such talk before Mr. Gillette, or in his presence?—A. No, sir; not for the Democratic party.

6351. Q. You told Mr. Kingsford, did you not, that you argued for Tilden for fun as much as anything else, or in substance that. If that was true did you think Mr. Gillette so dull that he could not understand the joke, and for that reason avoid talking on that subject before Mr. Gillette?

(Objected to as immaterial; and done to badger the witness and consume time.)

A. Well, he couldn't hear it, I don't believe.

Second redirect examination of HIRAM HAMMOND, by contestant's counsel:

6352. Q. On the occasions when you voted the Democratic ticket, did or did you not vote it in such a manner that you had reason to suppose and did suppose that the starch-factory bosses did or would not know about it?

(Objected to as reopening the examination-in-chief, immaterial, and improper as rebuttal testimony.)

A. I was pretty sure they would not know about it. I had my ticket. I took one from the bosses open in my pocket and took the other one out that I had there.

Second recross-examination by J. B. ALEXANDER:

6353. Q. Did you ever vote a Republican ticket while you were in the factory?—A. I am not sure whether I ever did. I might have voted it once, but I couldn't swear to it.

6354. Q. And did you deem it necessary on all occasions when you voted to practice deception, and to virtually lie on every occasion when you voted, in order to vote in accordance with your political preferences, while in the employ of the starch factory?

(Objected to as incompetent and immaterial.)

A. I considered it necessary to do so to vote the ticket I wanted to vote and to keep my place in the box-shop.

6355. Q. Have you not sworn, in substance, in an application for life insurance, that your birth-day was in November, 1840?—A. I couldn't say whether I did or not.

HIRAM HAMMOND.

Subscribed and sworn to before us April 18, 1879.

WILLIAM W. GREEN,  
*Notary Public.*

S. M. COON,  
*Notary Public.*

*Deposition of David H. Judson.*

6356. Question. State your name, age, residence, and occupation.—  
Answer. Name, David H. Judson; age, fifty years; occupation, real estate and boat repairing; residence, Oswego City, East Seventh street, No. 151.

6357. Q. How long have you resided in Oswego City and County?—  
A. Nearly twenty years.

6358. Q. What are your politics and how long have they been such?—  
A. Democrat and from my youth up.

6359. Q. And have you taken an active and prominent part in politics since you have resided in Oswego City?—A. Somewhat active.

6360. Q. You have represented your assembly district in the general assembly of your State, have you not?—A. No, sir.

6361. Q. Have you not been a candidate for member of assembly on the Democratic ticket?—A. I have.

6362. Q. What offices have you held?—A. I have been school commissioner in the city of Oswego.

6363. Q. What office do you hold?—A. Supervisor of the eighth ward, at present.

6364. Q. Were you a delegate to the Democratic Congressional convention last fall?—A. Yes, sir.

6365. Q. Were you also a delegate to the Democratic county convention?—A. Yes, sir.

6366. Q. Did you counsel with the Democrats and leading Democrats of the county of Oswego as to the nomination for member of Congress from the twenty-fourth Congressional district?—A. Yes.

6367. Q. You may give the names of the leading Democrats that you counselled with on that subject before the Congressional convention assembled. At the same time you may give their positions and the positions they have held on State and Congressional committees.—A. I did counsel with W. A. Poncher, who is a member of the Democratic State committee, also a delegate to the Congressional convention; I did counsel with Bartholomew Lynch, one of the State electors from this State on the Presidential ticket in 1876, also a delegate to the Congressional convention of 1878; I did counsel with John A. Barry, one of the editors of the Oswego Daily Palladium, and a member of the county committee and a delegate to the State convention, I think; I did counsel with Patrick Grace, a member of the Democratic county committee; I did counsel with R. M. Rogers, of Hannibal, a member of the county committee, and a delegate to the Congressional convention; I did counsel with William Johnson, who has been a member of the State legislature,

was a delegate to the State convention, and a delegate to the Congressional convention; also James Patterson, of Fulton, who was a delegate to the Congressional convention last fall; I did counsel with W. I. Eastman, of Sand Banks, a delegate to the Congressional convention; with Hugh D. Mellen, from the third assembly district, a delegate to the Congressional convention; D. L. Wood, from the second assembly district, a member of the county committee; G. H. Goodwin, chairman of the Democratic county committee, resides in Mexico; Don A. King, a member of the county committee and resides at Pulaski; B. F. Lewis, a member of the county committee, of Orwell; Washington T. Henderson, supervisor, from Albion.

6368. Q. Are you acquainted with Sebastian Duffy?—A. I am.

6369. Q. In what assembly district does he reside?—A. In the third assembly district of this county.

6370. Q. Prior to the assembling of the Democratic Congressional convention did you learn the feeling of the Democrats of that district towards Mr. Duffy's nomination?—A. I endeavored to do so, and arrived to what I deemed satisfactory evidence that the Democrats of that district favored the nomination.

(Counsel for contestee moves to strike out statements as to what the feeling was as not responsive.)

6371. Q. You may state what you ascertained as to the feeling of the Democrats of that district towards his nomination.

(Objected to as immaterial; not proper evidence in rebuttal. Objection overruled as to materiality.)

A. I ascertained to my entire satisfaction that the Democrats of the third assembly district would be satisfied entirely with the nomination of Sebastian Duffy for member of Congress, and further that many of them were very anxious for his nomination.

6372. Q. You may state how the leading Democrats that you have named felt in regard to the putting in nomination of Sebastian Duffy for member of Congress?—A. They felt that it was the wisest course, that we, the Democratic party, could pursue.

6373. Q. Can you name any other leading Democrat or Democrats, that you talked with on that subject; and, if so, state how they felt towards his nomination?—A. I talked with Chester Penfield; T. E. O'Keefe; Nathan M. Rowe, a supervisor and assessor of this city; John B. Higgins, ex-receiver and ex-district attorney; Charles Rhoades; Albertus Perry, a candidate for justice of the supreme court and ex-mayor of the city of Oswego; D. J. Van Anken, of Hannibal; D. B. Blair, a justice of the peace; Ward G. Robinson, ex-police commissioner; and these were generally favorable to the nomination of Mr. Duffy.

6374. Q. State who was chairman of your Congressional convention?—A. William A. Poncher, of the city of Oswego, and a member of the State committee.

6375. Q. Were the delegations from the different districts of this county full or nearly so?—A. I think they were nearly full; not full; all the districts were represented there.

6376. Q. State who presented Mr. Duffy's name to that convention?—A. W. I. Eastman presented Duffy's name to the convention, and made a speech favoring his nomination. Mr. Christopher A. Walrath, ex-State canal commissioner, from Madison County, and also for two or three years a delegate to the Democratic State convention, seconded the nomination with a lengthy and enthusiastic speech in his favor and behalf.

6377. Q. Was his nomination not unanimous?—A. His nomination entirely unanimous; not a dissenting voice or vote.

6378. Q. And did he then and there accept the nomination from that convention, and deliver a speech accepting the same?—A. He did.

6379. Q. You may, if you can, give in substance what he said when he accepted the nomination?—A. He stated to the convention that he thanked them from the bottom of his heart for the nomination; that he had been a Democrat ever since he had been a voter; that he had ever been a supporter of Democratic measures and men; and that having been made the standard-bearer of the Democratic party for the 24th Congressional district, he would surely lead them to victory. I think that embraces the sum and substance of it.

6380. Q. Were there not other parties looking for that nomination?—A. There were.

6381. Q. From the character of his speech on that occasion, did you not understand that he put himself squarely upon the Democratic platform?

(Objected to as immaterial, not proper in rebuttal, and as asking for the opinion of the witness. Notaries differ as to materiality only.)

A. I did.

6382. Q. You may state, if you have the means of knowing, whether or not his nomination was favorably received by the Democrats in the different districts of this county of Oswego?—A. It was favorably received by the great bulk of Democrats of this county.

6383. Q. Are you acquainted with Alanson Y. Paige of the city of Oswego?—A. I am.

6384. Q. And have you learned whether or not he stood favorable to the nomination of Sebastian Duffy?—A. After the nomination I understood that he was pleased with the nomination.

6385. Q. State for whom you voted for member of Congress at the last fall election.

(Objected to as not proper testimony in rebuttal. Notaries differ; Coon for exclusion.)

A. I voted for Sebastian Duffy for member of Congress.

6386. Q. State whether or not Bartholomew Lynch, whom you have named, was favorable or unfavorable, and supported or did not support Mr. Duffy for election.

(Objected that Mr. Lynch is noticed for examination; objection withdrawn.)

A. He was very earnestly in favor not only of his nomination, but of his election.

6387. Q. It has been sworn in this case that Nathan M. Rowe, whom you have named as a Democrat, was opposed to Mr. Duffy; you may state, if you know, whether he supported him.—A. He did, and very earnestly.

Adjourned to 9 o'clock a. m. of April 19.

Direct examination of DAVID H. JUDSON resumed:

6388. Q. Are you sufficiently acquainted with political campaigns to form a judgment of the amount of money legally necessary to carry the same on under the statutes just read? (Revised Statutes of the State of New York as to elections read.)

(Objected to as immaterial and incompetent, and not proper in rebuttal; calling for opinion of witness as to his own fitness to answer the questions, and calling for a legal conclusion. Notaries disagree; Coon for exclusion.)

A. I am.

6389. Q. Are you acquainted with the amounts of money which have generally been raised by the Democratic county committees at fall elections for the purpose of carrying on the campaigns during the time that you have been actively engaged in politics?

(Objected to as immaterial, irrelevant, and not proper as matter of rebuttal. Notaries differ; Coon for exclusion.)

A. I am.

6390. Q. Could the sum of \$25 have been advantageously used by the Republicans in each ward at the last fall election, and in each town of the county, in providing for carrying the voters to and from the polls, providing such carrying of voters had not been confined to the carrying of the sick, the poor, and the infirm electors?

(Objected to as before, as calling for the conclusion of the witness. Notaries differ; Coon for exclusion.)

A. Most assuredly it could.

6391. Q. Would such expenditure of \$25 in each ward and town of the city and county have tended greatly to increase the vote for the Republican ticket and to materially diminish the vote for the Greenback and Democratic ticket?

(Objected to as incompetent, immaterial, and as calling for the opinion of the witness. Notaries differ; Coon for exclusion.)

A. It certainly would, in my opinion.

6391½. Q. What amount of money would it require, in your judgment, based upon your long political career and service in campaigns, at the last fall's election, to defray the expenses of carrying all sick, poor, and infirm electors to the polls in each of the twenty-one towns of the county, exclusive of the wards, per town?

(Objected to as incompetent, irrelevant, and not material, and as calling for the opinion of the witness upon a state of facts in regard to which no proof has been offered. Notaries differ; Coon for exclusion.)

A. I should say \$5 per town would cover that expenditure.

6392. Q. What amount would it require, in your judgment, to defray the expense of carrying all sick, poor, and infirm electors to the polls in the eight wards of the city of Oswego?

(Objected to as before; same difference of notaries.)

A. For the eight wards, \$48 would cover the expense, I think, very liberally and fairly.

6393. Q. How much would it require to defray the expenses of circulating votes, handbills, and other papers, previous to election, in a legitimate and proper manner?

(Objected to as before. Notaries differ; Coon for exclusion.)

A. Well, I should say from \$100 to \$125 for that item, for the county.

6394. Q. Could a much larger amount of money than you have named be expended by the Republican party, to the advantage of the party, in procuring the attendance of voters at the polls by going after and bringing to the polls or otherwise providing for those who, from indifference to the result of the election, preferred attending to their own private business to going to the polls at their own expense, than could be legally employed in conveying sick, poor, and infirm voters to the polls last fall.

(Objected to as before. Same difference of notaries.)

A. There could be.

6395. Q. Was there or was there not, last fall, a large number of lukewarm Republicans, beside the sick, poor, and infirm, in Oswego City and County, that it was understood that it was necessary to provide for

bringing to the polls in order to get them there and secure their votes for the Republican ticket?

(Objected to as before. Same difference of notaries.)

A. There was.

6396. Q. Did or did you not see, at last fall's election, the Republican party having in use at your ward more conveyances than was necessary to convey the sick, poor, or infirm electors of your ward to the polls to vote?

(Same objection; same difference.)

A. I think yes, to that; yes, I say.

6397. Q. And did you not see the conveyances then and there used by the Republicans bringing to the polls other than the sick, poor, or infirm electors?

(Same objection as before. Same difference of notaries.)

A. I did.

6398. Q. And from your means of observation and of learning the conduct of the Republicans at last fall's election in this city, was not the same thing general in the city as to conveying persons other than those above named to the polls to vote?

(Some objection. Same difference of notaries.)

A. Yes.

6399. Q. And, in your judgment, did not that carrying of lukewarm Republicans and others tend to largely increase the Republican vote and to diminish the Democratic and Greenback vote last fall throughout the city?

(Same objection and same difference.)

A. It did.

6400. Q. How much money did you understand that the Democratic party had last fall for election purposes, and for what purpose was it expended, if any?

(Objected to as immaterial. Notaries differ.)

A. I understood the total amount they, the Democratic county committee, had, to be \$180. I can't give expenditure in items.

6401. Q. Was or was not John Dowdle, the present treasurer, the Democratic nominee for treasurer by its county convention?—A. He was not, by its county convention.

6402. Q. You may give, in concise language as possible, Mr. Dowdle's history as a candidate for that office; I mean by that, his efforts to obtain the nomination from the Greenbackers in convention assembled, and how he came to be placed upon the Democratic ticket?

(Objected to as immaterial and not proper rebuttal.)

A. I understood that Mr. Dowdle was present at the Greenback county convention, I think, in August, and was a candidate for treasurer before that convention. The convention nominated Charles T. Newell, who subsequently declined, and the Greenback county committee placed Mr. John Dowdle's name upon the ticket. At the Democratic county convention, held early in October, I think the third, that convention put my name upon the ticket for county treasurer. I then in person declined the nomination, but was declared out of order, and subsequently wrote a letter declining the nomination, which I addressed to the chairman of the county committee; and at a meeting of the committee, I think near the last of October, my declination was accepted by the county committee. At a still later period, the county Democratic committee placed Mr. Dowdle's name upon the Democratic ticket for county treasurer in my place.

6403. Q. Did you know of the building of the shade-cloth factory

in the city of Oswego last fall just prior to election ? and, if so, state whether the same was a large or small building, or required the employment of a large or small number of men to erect the same; also state in the same connection of Thompson Kingsford erecting a large building on the corner of West First and Seneca streets last fall, and state whether there was a large or small number of men there employed prior to and at the time of election ?

(Objected to as improper as matter of rebuttal. Notaries differ; Coon for exclusion.)

A. I know of the building of the shade-cloth factory, which was commenced during the summer season of 1878, and that a large number of men were employed thereon. I also know of the erection, or of the commencing to erect, the building known as the sash and blind factory by Thompson Kingsford, and that there was a large force of men employed on that building.

6404. Q. And was not the Hon. George Z. Sloan, who, at the time of the erection of the shade-cloth factory and at the time of the election, was a candidate for member of assembly, the principal man as you understood in the erection of that factory, and a warm supporter of Joseph Mason for member of Congress in this district as against Mr. Duffy ?—A. He was one of the principal men engaged in the construction of the shade-cloth factory; and as to the rest of the question, I should say yes.

6405. Q. And did he, Sloan, not receive a large majority for member of assembly in this city ?

(Objected to as immaterial. Notaries differ. Coon for exclusion.)

A. He did.

6406. Q. And have you not understood through political circles that Mr. Sloan was desirous of being represented by as large a majority as he could obtain, as he was obtaining prominence in the State of New York as a prominent candidate before a Republican convention hereafter to be held for governor ?

(Objected to as immaterial and as new matter and irrelevant. Notaries differ. Coon for exclusion.)

A. Yes.

6407. Q. And was not the principal fight at last fall's election made to secure the election of Judge Mason and increase the majority for Sloan, as you understood it from Republican politicians ?

(Objected to as calling for the opinion of the witness on an issue not material to this case. Notaries differ. Coon for exclusion.)

A. Yes; upon the Republican side.

6408. Q. And was not the laboring class and workmen upon the shade-cloth factory increased from time to time until after the election, as far as you observed, as the building progressed ?

(Same objection. Notaries differ. Coon for exclusion.)

A. I don't think I have sufficient knowledge to form a correct estimate.

6409. Q. Did you not observe that there was a large number of men employed in the erection of that building, laborers and other classes ?

(Objected to same as before. Same difference of notaries.)

A. I did.

6410. Q. Was or was not the financial condition of the times very stringent upon the laboring class of the city of Oswego last fall prior to the time that the shade-cloth factory and Kingsford's building was commenced ?

(Objected to as immaterial and irrelevant. Notaries differ.)



A. Yes.

6411. Q. From your long-continued residence in the city of Oswego and knowledge of the condition of the laboring community and the stringency of the times, do you not think that last fall and prior to election they were in very reduced and straitened circumstances ?

(Objected to as incompetent and immaterial and not proper rebuttal. Notaries differ. Coon for exclusion as rebuttal.)

A. They were.

6412. Q. From your knowledge of the political position and desires of Mr. Sloan and Mr. Kingsford as leading Republicans to secure the election of Judge Mason, and the embarrassed circumstances of the large number of their employes upon the two new buildings referred to heretofore, and from what you observed and knew of that class of voters, do you not believe that a great many of them, or a large majority of them, were induced by reason of their obtaining employment to vote for Mason and Sloan when the same was against their political predilections ?

(Objected to as not proper in rebuttal and as immaterial to the issue, and as incompetent, and as calling for the belief of witness. Notaries differ, Coon holding it improper as rebuttal.)

A. I should say a large number of them did.

6413. Q. From your knowledge and observation, state whether the Democracy of Oswego County extended to Sebastian Duffy as their nominee for Congress their vigorous support ?—A. They did.

6414. Q. Did or did you not, in your association with Republicans, learn and ascertain that a dissatisfaction existed in the Republican ranks against Joseph Mason, the Republican nominee for Congress, last fall ?

(Objected to as not proper rebuttal. Notaries differ.)

A. I did.

6415. Q. Did or did you not hear by common talk and public repute that Judge Mason had brought money to the city of Oswego before election to be used by his friends to aid his election, and that contributions were solicited and assessments made upon Federal office-holders in the city of Oswego, including the post-office, collector's office, and revenue collector's office, to raise money in aid of his election ?

(Objected to as improper in rebuttal and incompetent, and as hearsay. Notaries differ. Coon sustains objection.)

A. It was currently reported that Mr. Mason sent \$3,000 into the county of Oswego a few days previous to election to be used for electioneering purposes, particularly for his interest. It was also currently reported that the Republican county committee had placed a heavy assessment upon Collector Fort and his subordinates, and also upon Cheney Ames, the postmaster, and his subordinates. I don't know about the revenue collector being talked of.

6416. Q. Was or was it not common talk and public repute that one Moriarty, an employe in the county clerk's office, or his brother, now an employe, by virtue of Mr. Sloan's favor, of the general assembly of the State of New York, had a large sum of money and that he was using it in the interests of Mr. Mason and Sloan in purchasing votes ? and, if so, in what ward ?

(Objected to as incompetent and as hearsay, and as new testimony, and not proper rebuttal. Notaries differ; Coon holding it improper rebuttal.)

A. It was so commonly reported, and that the money was expended in the first and second wards.

6417. Q. Are you acquainted with a number of the employés of the Oswego starch factory, and the men in the employ of the Oswego starch factory, and the works connected with the starch factory proper?—A. I am.

6418. Q. And have you, within the past several years, conversed with them upon their political predilections and as to their voting contrary to the same?

(Objected to same as before and as assuming a fact not admitted or proven. Notaries differ; Coon for exclusion.)

A. I have.

6419. Q. You may state in substance what those employés have said to you about their voting.

(Objected to as before and as hearsay. Same difference.)

A. They have stated to me in substance that, although they were Democratic in principle, for the sake of their families and the retention of their positions in the starch factory, they were obliged to vote the Republican ticket.

Adjourned to 9 a. m. Monday, April 21.

At 9 a. m. the direct examination of D. H. Judson, the last witness, resumed by H. D. Baker, counsel for the contestant.

6420. Q. Do you or do you not understand that a large part or many of the rank and file of the Republican party in Oswego County have, for several years last past, been in a state of lethargy, lukewarmness, and indifference about the success of their party at the election?

(Objected to as immaterial to the issue and improper in rebuttal. Notaries differ; Coon for exclusion.)

A. I do.

6421. Q. To what extent in your opinion would the expenditure of \$800, expended by the Republican county committee last fall in a manner to get those votes, beyond the amounts actually spent for printing and circulating votes, handbills, and other papers, and the amount actually expended for conveying sick, poor, and infirm voters to the polls, have affected the vote or promoted the election of the Republican ticket at the last fall's election in the county?

(Objected to the same as before, and as calling for the opinion of the witness without calling for the facts on which the opinion should be based, if such an opinion is admissible. Notaries differ; Coon for exclusion.)

A. I think from 1,600 to 2,000 votes.

6422. Q. Could, in your opinion, a large part of that sum be the most effectually expended in providing conveyances for carrying the lukewarm and indifferent Republican voters to the polls, and for carrying others more zealous in the Republican cause to their places of residence or business, to persuade them to go from their places of business and vote?

(Objected to same as before, and as leading. Notaries differ; Coon for exclusion.)

A. Yes, sir.

6423. Q. Are there not in your opinion, and were there not last fall, about one thousand voters in Oswego county, classed as Republicans, aside from the sick, poor, and infirm, who could have been induced to attend the polls and vote the Republican ticket by being called upon and requested to attend, and being carried to the polls and home again, who otherwise would not have attended the polls and voted?

(Objected to same as before. Notaries differ; Coon for exclusion.)

A. I should place it at a much higher figure.

6424. Q. From your long-continued residence in the city of Oswego, and your prominence here as a citizen, state in your opinion, about the number of sick, poor, or infirm electors there were in the city of Oswego last fall ?

(Objected to as immaterial and improper in rebuttal, and as leading. Notaries differ; Coon for exclusion.)

A. I should put it from 80 to 100, as a large estimate.

6425. Q. In your opinion, how much would have been the cost last fall per head of so calling upon and so carrying such of these poor, sick or infirm voters to the polls and back to their houses.

(Objected to as before. Notaries differ as before.)

A. I should think 25 cents a head, when you figure it down fine that way.

Cross-examination :

6426. Q. When was the Democratic Congressional convention of this district held ?—A. I think about the 18th of last October.

6427. Q. Had you heard of Mr. Duffy previous to that occasion or been acquainted with him ?—A. I had heard of and seen Mr. Duffy before that occasion.

6428. Q. How long had you known him by reputation before that time ?—A. I think about two months.

6429. Q. In what manner or in what connection did that knowledge of him arise ?—A. I think more particularly as having been placed on the ticket of the Greenback party for member of Congress.

6430. Q. Then you knew that he was the candidate of that party before he was put in nomination by your Democratic convention ?—A. I knew that he was on the Greenback ticket as a candidate for member of Congress before our convention met.

6431. Q. You knew, did you not, that before receiving the Democratic nomination for Congress, that he was stumping the county of Oswego and the county of Madison in the interest of the Greenback party ?—A. I knew he was stumping in Oswego County. I knew nothing about Madison.

6432. Q. And did you not understand that it was in the interest of the Greenback party, so called here, that he was making such speeches in Oswego County ?—A. No, sir.

6433. Q. The meetings that you had heard of his addressing were gotten up by the managers of the Greenback party movement, were they not ?—A. The meetings were gotten up by his own efforts; appointments made by himself, as I understood it.

6434. Q. And do you wish us to imply from your last answer that no one else had anything to do with the various meetings he addressed, except himself ?

(Objected to as immaterial and as calling for conclusion of witness when he has already stated the facts.)

A. I do not know whether anyone else had anything to do with them or not.

6435. Q. Did you attend any of those meetings addressed by Mr. Duffy, which were held prior to October 18 ?—A. I did not.

6436. Q. You know Mr. Garlen Onderkirk, do you not, the editor of the Oswego Morning Sun ?—A. I do.

6437. Q. You knew that he was conspicuous last fall, throughout the county, in connection with the Greenback movement, did you not ?—A. I knew that he was connected with the Greenback movement; I don't know that he was particularly conspicuous, except in connection with the ten-dollar arrangements.

6438. Q. Whose name, sir, was mentioned more frequently in this vicinity in connection with this movement than Galen Onderkirk's?—A. Silas Davis.

6439. Q. Who else?—A. J. H. Phillips, or Phillips of the second ward, I think; won't be sure of J. H.

6440. Q. Who else?—A. Mr. Morrissey, of second ward; N. R. Davis, of fourth ward.

6441. Q. Yet all this time Mr. Onderkirk was editor of the Oswego Morning Sun and publishing it, was he not?—A. He was.

6442. Q. And it was a matter of current report, was it not, that he was making numerous speeches at the same time in the interest of that movement?—A. In his own interest. I don't know whether in the interest of the Greenback movement.

6443. Q. Did you ever hear of his addressing at any time a Democratic meeting; and if so, state when and where?—A. I did not hear of any.

6444. Q. And did you not also equally well understand that both Onderkirk and Duffy were addressing political meetings together from the same platform?—A. I did not.

6445. Q. Will you swear that such was not the case?—A. I will not.

6446. Q. Do you know Ex-Sheriff Doyle, of this city?—A. No, sir; not of this city. I do know Ex-Sheriff Doyle of this county. I understood inquiry to be as to Lowe. I do know Ex-Sheriff Doyle of this city; known him nearly twenty years.

6447. Is he not possessed of much political influence in the Democratic party?

(Objected to as immaterial. Coon for admission; notaries differ.)

A. Yes.

6448. Do you know John Gardenier, the Democratic candidate for sheriff last fall?

(Objected to as immaterial. Notaries differ; Coon for admission.)

A. I do.

6449. Q. Is he a Democrat, possessed of much influence in the Democratic party, especially in this city?—A. He is.

6450. Q. Do you know Frank T. Lowe, who was the Democratic sheriff of this county up to January 1st last?

(Same objection. Same difference.)

A. I do.

6451. Q. And is he a Democrat possessed of great political influence in this county?

(Same objection. Same difference.)

A. He is.

6452. Q. Did he not have Democratic deputies, as you understand, acting under him all over this county at the time of the last general election.

(Same objection. Same difference.)

A. He had, in certain localities, as I understood.

6453. Q. Do you know Azariah Wart, the Democratic candidate for district attorney at the last general election?

(Same objection. Same difference.)

A. I do.

6454. Q. And was he not president or chairman of the third assembly district convention which elected Hugh D. Mellen, W. J. Eastman, Mr. Jones, and two other delegates to represent that district in the Congressional convention which nominated Sebastian Duffy?

(Same objection. Same difference.)

A. I do not know.

6455. Q. Is Mr. Wart a prominent Democrat, possessed of much influence in the Democratic party throughout the county?

(Same objection. Same difference.)

A. He is.

6456. Q. Did not all four of these gentlemen—Mr. Doyle, Mr. Gardener, Dr. Lowe, and Mr. Wart meet Mr. Duffy at Pulaski Depot on the morning after Mr. Duffy had been indorsed by the Democracy, and did not those gentlemen, after alluding to his nomination, interrogate Mr. Duffy as to what they might expect of him in the line of support, now that he had been indorsed by the Democracy?

(Objected to, 1st, as immaterial; 2d, not proper subject of cross-examination; 3d, that witness has not shown himself possessed of sufficient knowledge to speak on that subject or as to the persons named, he not having testified to any matter or thing with reference to the subject of inquiry. Notaries differ; Coon for admission.)

A. I don't know.

6457. Q. Did not Mr. Duffy, in that conversation, sir, and in reply to this question from Mr. Wart, say, "Well, you have been stumping the county now for six weeks against the Democratic party, and now we want to know, since we are told you have been indorsed by the Democrats, what we are to expect from you from this time on"? Did not Mr. Duffy reply in substance, "Well, I propose to be very light on candidates from this time forward"?

(Objected to as immaterial; 2d, as assuming a state of facts to exist which had not been proven, and that the witness has sworn was not within his knowledge; 3d, as distorting and making an incorrect statement of the fact of Mr. Duffy's nomination by the Democracy. Notaries differ; Coon for admission.)

A. I don't know.

6458. Q. Did not Mr. Wart then and there say in reply to Mr. Duffy, in substance, "We want more than that, and I want you to understand that I never lick the hand that is raised to slay me"?

(Same objections; same difference.)

A. Not to my knowledge.

6459. Q. Can you say, sir, that those four prominent and influential Democrats, two of them then the leading candidates on the Democratic ticket, did not then and there, after that emphatic threat on the part of Mr. Wart, leave Mr. Duffy and refuse from that time on to favor his election?

(Same objection; and, further, that it is a useless waste of time. Notaries differ; Coon for admission.)

A. I have no knowledge of what those four then and there did; some of them did, after that time, render service for Mr. Duffy.

6460. Q. Which, if you please, and what did they render?—A. Mr. Gardener and Mr. Doyle talked in favor of Mr. Duffy, and I think voted for him; and one of these men, Mr. Gardener, urged the nomination of Mr. Duffy.

6461. Q. Did you know of Azariah Wart and John Barry, editor of the Palladium, having an interview on the subject of the indorsement of Mr. Duffy at the Fitzhugh House corner in this city, either the day before or the day but one before Duffy was indorsed?—A. I have no personal knowledge of any such interview.

6462. Q. Have you heard of such an interview?—A. I have no knowledge of any interview thus located.

6463. Q. Where did you understand the interview between Wart and Barry to have taken place?

(Objected to as irrelevant and immaterial. Notaries differ; Coon for admission.)

A. If an interview it might have been called, I suppose it occurred at the Palladium office.

6464. Q. Was Gardenier present, as you understand?

(Same objection; same difference of notaries.)

A. I did not understand who was present besides these two.

6465. Q. The same day of the interview at the Palladium office and prior to that interview, did not Mr. Wart and Mr. Barry have an interview on the sidewalk near the Fitzhugh House, and did not Mr. Barry, in that interview, inquire of Mr. Wart what he (Wart) thought of the propriety of the Democrats of this district adopting Mr. Duffy at their convention; and did not Mr. Wart reply, "If you do that you'll sink the whole ticket—the Democrats will never stand it, and it will injure every candidate on the ticket"? Did not Mr. Barry reply to that, "Gardenier thinks just so, too; and says it will kill him for sheriff if it's done"? And did not Barry then and there say to Wart, "We've had about as many indorsements of other party candidates as the Democracy of this county can stand," and request Wart to see Gardenier, or say that he (Barry) would see Gardenier, and they must get together that evening at the Palladium office and talk the matter over, as the propriety of Duffy's indorsement was very much doubted by the leading Democrats of the county?

(Objected to as immaterial and incompetent.)

A. Not to my knowledge.

6466. Q. You have spoken of Hugh D. Mellen and of Mr. Eastman as delegates to the Congressional convention. Were they not delegates from the third district?—A. They were at the convention as delegates from the third district.

6467. Q. Was not the expression of that third district convention, made up from representatives from eleven towns, emphatic and decided in opposition to the nomination or indorsement of any Greenback candidate by the Democrats?—A. I was not present at that convention, and know nothing of its proceedings personally.

6468. Q. Was Hugh D. Mellen chairman of that delegation to the Congressional convention from the third district?—A. I do not remember who was chairman of that convention.

6469. Q. In that third district convention presided over by Mr. Wart, and just prior to the election of the delegates to the Congressional convention, did not Hugh D. Mellen give expression to the sentiment of that convention, and receive the nomination of that convention for assembly, as well as being elected a delegate to the Congressional convention, by making a warm and enthusiastic speech in denunciation of the Greenback party, and in opposition to the indorsement by the Democratic party of any person who had received, or should receive or accept, a nomination from the Greenback party, and were not these sentiments applauded and approved by the Democratic delegates in mass there assembled?

(Objected to as irrelevant and immaterial.)

A. I do not know Azuriah' Wart was chairman of that convention. I was not present, and therefore did not hear any speech made by Hugh D. Mellen, but did hear that he was made the nominee for member of assembly by that convention. That is all I ever knew of the convention or its proceedings.

6470. Q. If you knew nothing as to the sentiment of that convention as there expressed, or of the feeling of the delegates there assembled, how is it that you can speak or assume to speak as to the position of leading Democrats in that part of the county touching the indorsement of Mr Duffy?

(Objected to for utter irrelevancy and foolishness.)

A. My knowledge of the feelings of the leading Democrats of that district was obtained by personal interviews, letters, and information conveyed through other sources.

6471. Q. Who did you talk with from the town of Sandy Creek, or receive any communication from?—A. I am not acquainted with the particular residence of many men with whom I talked on the subject, except as to the district.

6472. Q. Do you know Hamilton G. Root, of that town?—A. I know him of the third district, not as to the town.

6473. Q. Don't you know that he had been Democratic supervisor of that town for three consecutive years?—A. I know that he has been a Democratic supervisor for several years, one or more; I think from that town. It is my belief.

6474. Q. You regard both him and Mr. Wart as prominent Democrats in their town?—A. I regard him and Mr. Wart as prominent democrats in the third district.

6475. Q. Do you not know that Mr. Root did oppose the indorsement of Mr. Duffy, and oppose the Greenback idea of inflation, and support Judge Mason on the financial issue, as well as Mr. Wart?—A. I did not.

6476. Q. Can you say such was not the case?

(Objected to, 1st, as immaterial; 2d, witness has not sworn to any knowledge of Mr. Root.)

A. I cannot.

6477. Q. Can you name a person from the town of Boylston, Orwell, Redfield, Williamstown, Amboy, or Parish that you communicated with on the subject?—A. Yes, sir; from some of those towns.

6478. Q. Name them?—A. Mr. N. D. Mellen, of Williamstown; Mr. Eastman, for one, in the third district; Mr. Church, from the third district; Mr. Coey, I think, is in one of those towns.

6479. Q. What did Coey tell you?—A. He told me he thought and didn't know but it was the best thing we could do was to nominate Mr. Duffy under all the circumstances.

6480. Q. Where did that conversation take place?—A. I think it was on Bridge street here.

6481. Q. When was it; who was by?—A. We were alone; can't give the date.

6482. Q. Now don't you know that Mr. Coey had personal feeling against Mr. Duffy as well as political feeling, and that he openly and notoriously declared against his indorsement, and opposed him after being indorsed, and that the town of Redfield was in consequence a barren field for Duffy?

(Objected to, 1st, as immaterial; and 2d, that the second part of the question calls for the conclusion of flowery a question.)

A. I do not know that Mr. Coey had any personal feeling against Mr. Duffy. I do not know that, from his assertions, Redfield was an entirely barren field for Mr. Duffy.

6483. Q. Do you know where Mr. Eastman lives; what town?—A. He lives in the third district; that's as near as I'll answer it.

6484. Q. Did you see him to converse with him until you saw him at the Congressional convention?—A. Yes, sir.

6485. Q. Where?—A. I saw him at Mexico.

6486. Q. You have named Bartholomew Lynch, William A. Poncher, R. M. Rogers, Willard Johnson, James Patterson, W. I. Eastman, and Hugh D. Mellen as persons with whom you conversed on the subject and propriety of Duffy's indorsement by the Democrats; were each and all of those gentlemen delegates to that Congressional convention?—A. A part of them were.

6487. Q. Which were not?—A. My impression is that Mr. Rogers and Mr. Patterson were not delegates, and, I think, the balance were.

6488. Q. Did you have a talk with Sebastian Duffy before the convention on the subject of his indorsement?

(Objected to as assuming an indorsement instead of a direct nomination.)

A. I did not.

6489. Q. Did you attend the Congressional convention?—A. I did.

6490. Q. Who paid your expenses?

(Objected to as immaterial. Notaries differ.)

A. I paid my own expenses.

6491. Q. I take it, then, you had a lively interest in the result of that convention?

(Objected to as immaterial and as not asking a question. Counsel for contestee adds "did you not.")

A. I took an interest in the convention.

6492. Q. Was Mr. Duffy your first choice as the Democratic candidate?

(Objected to as immaterial; the first choice of the witness is not material to the issue, and not a proper subject of examination.)

Notary Green protests against lengthy and protracted examinations, consuming time, in regard to nominations not in issue and other equally irrelevant and wholly immaterial issues that cannot affect one way or the other the issues made and to be determined in the contest, and to protracted cross-examinations on matters brought out first by the contestee on his own cross-examination or as a part of his own case.

Notary S. M. Coon is in favor of a full cross-examination in accordance with the established rules of evidence in courts of record, and, on the last ten days of the contestant's time when he is introducing matter entirely new and not in rebuttal, will not choke off the contestee from a fair cross-examination of the matter introduced.

Notaries differ; Coon for admission.)

A. He was my only choice at the convention.

6493. Q. At what time did he become your first and only choice as candidate for Congress?—A. I have not sworn that he was not my first and only choice as a candidate for member of Congress.

6494. Q. I repeat a previous question. Who was your first choice as a Democratic candidate for Congress last fall at or prior to the convention?

(Objected to as immaterial and a repetition of a question witness has fairly answered. Notaries differ as to materiality.)

A. At the convention Mr. Duffy was my first and only choice. Previous to the convention there were several names talked of as candidates for that nomination; either of them would have been acceptable to me. I had made no selection and had settled upon no name until we met at the village of Oneida to make the nomination.

Adjourned to 2 o'clock p. m.



Cross-examination of D. H. JUDSON continued :

6495. Q. Who were the delegates from this assembly district to the Congressional convention besides yourself?—A. W. A. Poncher, Bartholomew Lynch; I have forgotten the other two.

6496. Q. How many delegates comprised that convention; if full, how many?—A. Twenty-five altogether, I think.

6497. Q. Did more than three go from this district?—A. I think there was a full delegation from this district.

6498. Q. When did you first hear Mr. Duffy's name mentioned as a possible candidate before that convention?—A. I can't name the time. It was before our county convention.

6499. Q. When was the county convention held?—A. I think it was the 3d of October.

6500. Q. Did Mr. Duffy attend the county convention, Democratic?—A. I did not notice him as being present.

6501. Q. When were you made a delegate to the Congressional convention?—A. At the district convention of this assembly district, if I recollect; in the fore part of September, I think.

6502. Q. When did you first counsel with W. A. Poncher with reference to Mr. Duffy as a possible candidate?—A. I cannot give the date when I first consulted with him.

6503. Q. When with Bartholomew Lynch?—A. Cannot give the date.

6504. Q. Whereabouts did you see Mr. Poncher on that subject?—A. I had frequent conversations with Mr. Poncher in relation to that subject, at various times and places, and also with Mr. Lynch, and am unable to designate the particular time or place where these various interviews occurred.

6505. Q. Can you now designate a single place or time, prior to the meeting of the Congressional convention, on which you spoke to either of those gentlemen on that subject?—A. I can.

6506. Q. Name the time and place.—A. On or about the 10th, I think, of October, or at the time at which the first meeting of the Democratic county committee was held, at the Palladium office, in the afternoon of that day.

6507. Q. Was John A. Barry present then?—A. He was.

6508. Q. Who else?—A. R. M. Rogers, jr.

6509. Q. Had you talked with John A. Barry previous to that occasion on that subject?—A. I had.

6510. Q. What other gentlemen were present?—A. I had forgotten all that were present; quite a number there; but I can't recall all that were present.

6511. Q. Who were the members of the Democratic county committee at that time?—A. From the first assembly district, John A. Barry, Patrick Grace, and R. M. Rogers, jr.; second district, David L. Wood, Richard Carter, and forgotten the third name; third district, B. F. Lewis, G. H. Goodwin, and D. A. King.

6512. Q. Were all those gentlemen present then?—A. They were not all present.

6513. Q. Were any members of that committee present besides Barry, Grace, and Rogers?—A. Yes, sir.

6514. Q. And if there were, name them.—A. Mr. King was present, Mr. Goodwin was present, and Mr. Wood, I think.

6515. Q. Was anything decided upon that evening with reference to member for Congress?—A. There was not definitely.

6516. Did you hear Mr. Duffy's financial views canvassed on that occasion?—A. I heard his views upon finance spoken of.

6517. Q. Did you understand that Mr. Duffy, as a financial measure, was in favor of the resumption of specie payment at the time provided for by law, and that he was in favor of the payment of the national indebtedness in coin, or did you understand him to have other views upon those questions?

(Objected to as immaterial and not in the issue. Notaries differ.)

A. At the meeting referred to above there was nothing said as to Mr. Duffy being in favor of the resumption of specie payments, or as to his views as to the payment of the public debt in greenbacks.

6518. Q. Will the witness now please to answer the last previous question?—A. I understood Mr. Duffy in his financial views to be in accord entirely with Senator Thurman, of Ohio.

6519. Q. Mr. Judson, has not your last answer been inspired at the present time by the reading of a letter from Don A. King, one of the counsel for Mr. Duffy in this contest, and which letter you now hold in your hands?—A. It has not. And for the benefit of the counsel on the other side I will read as far as I have read in that letter.

(Offer disallowed.)

6520. Q. Will you now please to answer question 6517? (Read to witness.)—A. I understood Mr. Duffy in his financial views to be in accord with many of the leading Democrats both in the Senate of the United States and in the House of Representatives.

6521. Q. What Senators of the United States are you willing to swear have had financial views identical with Sebastian Duffy, as expressed by him last fall?—A. Senator Voorhees, Senator Thurman. I think that is enough.

6522. Q. Can you name another Senator in that category?—A. I will give no further names now.

6523. Q. Are you willing to swear that Senator Thurman's and Senator Voorhees's views are identical with each other?—A. I shall not answer the question.

6524. Q. I now demand of the witness that he answer, without further evasion, question 6517.

(Counsel for the contestant says that the conduct of the counsel for the contestee on the cross-examination is an abuse of the right, and now give notice to the contestee's counsel that unless he confines himself to a proper course of cross-examination instead of matters for mere delay, he shall introduce another witness before Notary Green and proceed with his examination; contestant's counsel having no objection to proper cross-examination.)

A. I think I have answered it sufficiently clear.

(Counsel for contestee, being hopeless of obtaining an answer to question No. 6517, asks this question:)

6525. Q. Will you swear that Mr. Duffy did not in certain speeches of his, made prior to his nomination by the Democrats, say in substance that the resumption of specie payments in accordance with the law on that subject would be the doomsday of the nation?

(Objected to as being too indefinite and uncertain. It already appears that he heard only one speech, and that he has given, and such a question can only be put to consume time.)

A. I heard no speech of Mr. Duffy prior to the one made at the convention, and have no knowledge of his having made any such declaration.

6526. Q. You were aware, were you not, sir, that the financial issue was one of very great interest in the last year's political campaign?—A. Yes, sir.

6527. Q. You endeavored to know thoroughly, did you not, Mr. Duf-

fy's views on that subject?—A. I thought I understood Mr. Duffy's views fully on that question.

6528. Q. Will you swear that Mr. Duffy did not oppose in his speeches and in his views as otherwise expressed the resumption of specie payment by the general government, and favored as a financial measure the payment of the bonded indebtedness of the country by an issue of greenbacks or notes of the United States Government not redeemable in coin?

(Objected to as not within the issue and not material.)

A. I heard no speech made by Mr. Duffy, except the one made at the convention that nominated him; from his views otherwise expressed, I did understand him to be opposed to the resumption of specie payments January 1, 1879; did not understand from him or any other source that Mr. Duffy was in favor of the payment of the national debt in greenbacks or notes of the United States not redeemable in coin.

6529. Q. Did you understand that he favored the payment of the national bonded debt in coin?

(Objected to as above. Notaries differ. Coon for admission; Green holds it within the inducement to answer but not of the real issue.)

A. I did not.

6530. Q. Do you not know that there were many Democrats who in the last year's political campaign favored the resumption of specie payments at the earliest possible moment, and the payment in good faith of the national bonds in coin?

(Objected to as above. Notaries differ as before; Coon for admission.)

A. I do know that there were a few Democrats in this city who were foolish enough to desire the immediate resumption of specie payments; but, from my knowledge of them, I think the great bulk of the Democratic party in this city were opposed to the act of 1875 restoring specie payments in 1879. Most of the Democrats of this city are in favor of the prompt payment of the government bonds; whether that payment shall be made in greenbacks or coin, there is a diversity of opinion between them.

6531. Q. From the traditions of the Democratic party and from the platforms of principles put forth by it from time time, in its past history and in its various conventions, particularly in this State, do you not know it to be and to have been a hard-money party?

(Objected to; immaterial as to a hard-money party. Same as before; difference between notaries.)

A. Measurably so.

6532. Q. Can you name a time or an occasion when it has been anything else than a hard-money party?—A. The party has not been, at all times, a unit upon the question of hard or soft money.

6533. Q. Were not Delos De Wolf, Alanson G. Paige, Edwin Allen, and W. B. Robinson and Albertus Perry, who were said by some not to have warmly favored the nomination of Sebastian Duffy, influential Democrats in this city, and were they not opposed to the soft-money theory, as you call it?

(Objected to as immaterial. Green holds it as immaterial, unless connected with their support or vote, as to Mr. Duffy or Mr. Mason. Coon holds it legitimate cross-examination.)

A. The gentlemen named above were influential Democrats, not understood by the witness to be opposed to the nomination of Mr. Duffy; and, no doubt, held financial views by which they might be known as hard-money Democrats.

(The witness asks to have placed in his answer his statement as follows: "I think that three at least of these gentlemen supported Mr. Duffy by their votes.")

Counsel for contestee calls attention to the fact that the witness has made this request at his own instance, and after both notaries had decided that the answer was irresponsive to the question, and after contestee's counsel had objected to its reception, and now moves that it be stricken out.

Notary Green holds that, although not strictly responsive to the interrogatory part of the question, it is a proper explanation as to a statement made in the question, and to avoid misapprehension of the answer without such explanation being made.

Mr. Coon holds that it is entirely irresponsive to the question and improper and contrary to the rule followed by Notary Green for the past three weeks in this contest, and constantly insisted upon by contestant's counsel, and can be explained no other way than by the witness's undue zeal which he has many times shown in the taking of his deposition.)

6534. Q. Will you swear positively that any one of the five Democrats whom you have last named or referred to voted for Sebastian Duffy? Answer yes or no.

(Objected to; he has given substantially the answer.)

A. I cannot swear positively.

6535. Q. Has any one of these gentlemen ever told you that he voted for Sebastian Duffy? Dodge that, Mr. Judson.—A. Yes, sir.

6536. Q. Did Edwin Allen tell you so?—A. No, sir.

6537. Q. Has W. G. Robinson told you so?—A. The witness declines to say which of the parties told him so.

6538. Q. Did you before election hear either of these gentlemen speak favorably of the nomination of Mr. Duffy? and, if so, state which one it was and what was said by them.

(Objected to as in part a repetition, and secondly as in substance a repetition of the question which the witness has declined to answer and as simply an effort to badger the witness.)

A. I did hear one of the gentlemen named or more speak favorably of Mr. Duffy, but decline to say what was said or when it was said.

(Counsel for contestee moves that the answer to the last question be stricken out, unless said question be fully answered by giving the name and what was said.)

6539. Q. Do you decline to make further answer than what you have?—A. I have answered, as far as I desire to, the question.

6540. Q. Did William B. Poncher speak favorably of nominating Mr. Duffy prior to the meeting of the Congressional convention on the 18th of October?—A. Yes, sir.

6541. Q. Are you willing to state what he said on the subject?—A. I am not willing to give all that was said between Mr. Poncher and myself upon that subject and could not if I were willing, because much of it having escaped my memory, and much that was said was in a private and confidential way, and would be better as coming from Mr. Poncher.

6542. Q. Are you willing to state anything he said on that subject of Duffy's nomination?

(Objected to as a repetition. Objection overruled.)

A. Yes, sir.

6543. Q. Why, Mr. Judson, are you willing to give the names of some who supported Mr. Duffy's nomination and what they said, and yet de-

cline to give the names of any of those five prominent Democrats, some of whom you say you think voted for Mr. Duffy, and what they said ?

(Objected to as immaterial ; and, 2d, confidential communications contestee has no right to ; 3d, contestant's counsel does not believe it is sought after from pure or honest motives of a proper cross-examination ; 4th, contestant's counsel believes and has reason to believe that the same is only sought for in certain Republican and editorial circles for improper and public uses. Overruled objections.)

A. The reason is because the communications by some of the five might very properly be called confidential communications.

6544. Q. If any of those five gentleman have said anything to you with reference to Mr. Duffy, and which you have declined to give on this occasion, was what they said done in confidence and did they request you not to repeat it ?

(Objected to as a repetition and a useless waste of time in an immaterial matter.)

A. I think I will not answer that question for the reason that my answer to the previous question I claim to be full, fair, and sufficient.

6545. Q. You have said on this examination, have you not, that Alanson Y. Paige talked favorably of Mr. Duffy after his nomination ?—A. I think I have not.

6546. Q. You have said that Mr. Chester Penfield did, have you not ?—A. I think I have said so.

6547. Q. You recall, do you not, that on Friday evening last, shortly after you had testified as you admit in your last answer, and after the adjournment of the notaries, Mr. Penfield came into this room, and that contestee's counsel on that occasion stated in substance that you asked Mr. Penfield, then present, if he did not vote for Mr. Mason instead of Mr. Duffy, and for the purpose of refreshing your recollection, or aiding it, as to the light in which Mr. Penfield had looked upon Mr. Duffy's nomination, and did you not refuse to inquire of Mr. Penfield as to how he had voted ?

(Objected to, 1st, as immaterial ; 2d, that contestee had Mr. Penfield noticed as a witness and present as a witness, but subsequently through his counsel refused to examine him, being afraid to do so, and dismissed the witness.

Contestee's counsel rejoins that Mr. Penfield was excused from testifying because he requested to be so excused of contestee's counsel as a personal favor. Contestee's counsel consents that Mr. Penfield may be sworn in this case, and if asked simply whether he voted for Judge Mason or Sebastian Duffy, contestee's counsel consents to excuse him from any cross-examination.)

A. I remember the fact of Mr. Penfield's coming into the room where the court was being held, and that upon that occasion there were several passages of arms, by words, between the counsel for the contestee, Mr. Alexander, Mr. Penfield, Mr. Baker, the counsel for the contestant, John B. Higgins, and myself, and the whole transaction was considered as a joke by me.

6548. Q. And will you swear that Mr. Alexander was joking when he preferred that request to you ?

(Objected to as immaterial.)

A. I so understood him.

6549. Q. Did you not refuse to put that question, and say in substance that you didn't care how he voted ; all you had sworn to was how he had talked ?

(Objected to as immaterial.)

A. In the matter of words there might have been something of that kind said.

Adjourned to 9 a. m., April 22.

The witness wants to notify the counsel for the contestee that "I am willing to answer all proper questions, but I am not willing to come here and be badgered by questions not pertinent to the case by repetition of questions."

6550. Q. You have sworn on this examination, have you not, that Hon. Alanson Y. Paige was pleased with the nomination of Mr. Duffy, or with his nomination after it was made by the Democrats?

(Objected to, for the reason that it does not ask any question, and the record shows what the witness has testified; further, that the witness has been interrogated to the contrary.)

A. To the best of my recollection, no. You have asked the question positively, and I was not positive in my statement on the direct examination.)

6551. Q. What did you swear to, with reference to Mr. Paige and his sentiments towards Mr. Duffy?—A. I think I stated in my direct examination that I had understood Mr. Paige to be pleased with the nomination of Mr. Duffy.

6552. Q. Have you looked over your testimony since you were asked question 6545, yesterday afternoon [question read]?—A. I have not.

6553. Q. You heard Mr. Paige sworn, and heard him give his testimony, did you not, in this proceeding?—A. I did not hear Mr. Paige sworn, and heard but very little of his testimony—I think but two or three questions—and have not read his testimony.

6554. Q. Did you ever talk with Mr. Paige on the subject of Duffy's nomination?—A. I do not think I have.

6555. Q. State how you learned or understood that he was at any time pleased with Duffy's nomination.—A. I think my informants were W. A. Poncher and Chester Penfield.

6556. Q. Will you swear positively, and here in the presence of Mr. Penfield, that he told you on any occasion that Mr. Paige was pleased with the nomination of Mr. Duffy?—A. I do swear, to the best of my knowledge and belief and remembrance, that Mr. Penfield stated to me in words which I then understood and now believe he meant to convey the idea that Mr. Paige was pleased with the nomination of Mr. Duffy.

6557. Q. When did all that happen, Mr. Judson, and where?—A. Last fall, before the election and after the nomination, in the Palladium office.

6558. Q. What did he say?—A. I decline to give the words used by him, on the ground that by so doing it would make public that which Mr. Penfield would like to have kept secret, as he told me that it was best to keep it quiet.

Mr. Penfield being present, on request of contestee's counsel, absolves the witness from the obligation of secrecy to which Mr. Judson refers.

6559. Q. What did Mr. Penfield say?—A. He said that Mr. Paige and Mr. DeWolf and others were pleased with the defeat of Mr. Kellogg, who had endeavored to procure the nomination for member of Congress for this district, who was defeated at that convention; and that they seemed to feel that the convention had done the very best thing that could have been done under the circumstances.

6560. Q. Since you answered the last question, have you not heard Mr. Penfield say in this room and in the presence of all the persons here

assembled that it is the first time he has heard of this conversation between him and you, to which you have just testified ?

(Objected to as immaterial.)

A. Witness has not heard Mr. Penfield make any such remark ; but he did hear the counsel for the contestee say that Mr. Penfield did use those words. The witness desires to say further, in regard to that conversation, that he understood Mr. Penfield to say that the reason these parties were so well pleased with the nomination of Mr. Duffy was because it had defeated Mr. Kellogg in that nomination for member of Congress for the twenty-fourth Congressional district, as they said that he sought that nomination simply and solely in order that it might be an easy walk over for the nominee of the Republican party, Hon. Joseph Mason.

6061. Q. Since making this lengthy answer, have you not heard Mr. Penfield say that he has no recollection of such a conversation as you have testified to as occurring between you and him ?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. I desire to put myself on record as positively declining to answer any further interrogatories made by the counsel for the contestee when those questions shall have been objected to by the counsel for the contestant, unless both the notaries shall have overruled the objections and decided witness shall answer and concur in the decision.

6562. Q. When did W. A. Poncher represent to you, if ever, that Alanson Y. Paige and Delos DeWolf were pleased with the nomination of Mr. Duffy ?—A. Last fall, before the election.

6563. Q. Whereabouts ?—A. In the Palladium office.

6564. Q. Do you not think that Mr. Paige is the most competent person to testify as to what his feelings and views were in reference to the nomination of Mr. Duffy ?

(Objected to as immaterial. Overruled.)

6565. Q. You have spoken of Willard Johnson as being favorable to Mr. Duffy's nomination, have you not ?—A. I have.

6566. Q. He is the man whom Samuel J. Tilden, when governor of this State, charged with perpetrating gross frauds in the matter of canal contracts, and caused suits to be brought against him ?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. Under the notice of the witness made in response to question 6561 and as the matter referred to in question 6566 being of a scandalous nature in reference to a reputable citizen, the witness declines to answer.

6567. Q. You have represented W. N. Poncher as a prominent Democratic leader, have you not, in this city ?—A. I don't believe I used those words. He nevertheless is.

6568. Q. When you were candidate for the assembly upon one occasion, you counseled, did you not, with Daniel Magone, then chairman of the Democratic State committee—that is, you wrote him a letter, did you not, in which you referred to W. A. Poncher, Albertus Perry, and Charles N. Bulger, who has been a delegate to the Democratic State convention ?

(Objected to as immaterial. Notaries differ.)

A. Under the notice above referred to witness declines to answer.

6569. Q. Did you not represent to Mr. Magone on that occasion, and in the letter to which I referred, that you would like some assistance in the campaign in which you were engaged, and that you did not exactly like to trust those gentlemen ?

(Objected to as immaterial and tending only to consume time.)

A. Witness declines to answer as above.

6570. Q. Mr. Magone answered your letter, did he not, and referred you back to W. A. Poncher, then chairman of the Democratic County Committee, as the proper person with whom to consult in matters of that kind, and declining to hold any further correspondence with you in relation to the matters concerning which you had written him?

(Objected to as being entirely immaterial to the issue. Notaries disagree.)

A. In the correspondence of the witness with Mr. Magone, in the fall of 1876, there was nothing said, to the best of the witness's recollection, from which any such inference as has been made by the counsel for the contestee in the questions asked in relation to letters written to and received from Mr. Magone could be drawn.

6571. Q. How long have you been engaged in active politics?—A. I have been interested in political matters since I was 21 years of age.

6572. Q. You have been a candidate for member of the assembly three successive years in this district, beginning with 1875, have you not?—A. I have been for three consecutive years placed upon the Democratic ticket for the distinguished office of member of assembly for this district, to lead a forlorn hope, when there was no possibility or probability of an election.

6573. Q. Mr. Paige was a candidate for the same position, was he not, the year previous, of the Democratic party?

(Objected to as not being sufficiently definite as to the year and immaterial. Notaries differ. Coon for admission.)

A. Witness declines to answer under previous notice.

6574. Q. Mr. Paige was elected in the fall of 1874 to the assembly of this State from this district by about 600 majority, was he not?—A. I think not.

6575. Q. By about what majority was he elected then, and in a district in which you describe yourself as the leader of a forlorn hope when you were a candidate for the same position?—A. Mr. Paige was elected member of assembly from this the first assembly district of Oswego County either one or two years prior to my being a candidate, and was elected, if my memory serves me correctly, by the handsome majority of some 400 votes; this election being very much aided by the influence and orders of Thompson Kingsford, exercised upon the men employed in his starch factory and his other works contiguous thereto, as the witness verily believes and is informed.

6576. Q. Mr. Judson, does it not occur to you that in making the larger portion of your last answer you have run a little before you were sent?—A. It occurs to me that I have; that is, for member of assembly, and was not sent.

6577. Q. How much short were you of an election on the first occasion of your running and your not being sent; was it about 300?—A. It was about that, I believe.

6578. Q. And the second time when you run the majority against you was about 600, was it not?

(Objected to; the returns are the best evidence.)

A. I think not; might have been.

6579. Q. And the third time when you run the majority against you was nearly 1,200, was it not; the exact figures 1,123?—A. I believe it was. The result of all these elections was greatly increased in behalf of the Republican nominees, as the witness is informed and believes, by the great additions during those years to the laboring force employed by



Mr. Thompson Kingsford in the starch factory and its contiguous works, also upon his large and extensive farm and the highways leading thereto.

6580. Q. Do you think you have answered the last question or dodged it ?

(Question is withdrawn.)

6581. Q. Mr. George B. Sloan was the candidate opposed to you, was he not, on the first two occasions of your being a candidate for assembly ?

(Objected to as immaterial and it is not a proper subject of cross-examination ; witness not having sworn to anything except as to last fall's election.)

A. Witness refers to his former notice and declines to answer.

6582. Q. Do you think that Mr. Paige's election was brought about by corrupt conduct on his part ?

(Objected to as immaterial, incompetent, and irrelevant. Notaries differ.)

A. Witness refers to his notice and declines to answer.

6583. Q. You were sued, were you not, by Thompson Kingsford for material furnished you used in the construction of this block, and put in a sworn defense to the action ; that action was tried before a jury, was it not, and a verdict was rendered against you for a large amount ?

A. The witness, who is a member of the firm of Monroe & Judson was sued at one time by the firm then known as Middlebrook & Powell, they having constructed the iron girders which are the support of what is now known as the Avenue block across the canal race on the east side of the Oswego River, at the east end of the lower bridge and on the east side of East Bridge street, together with iron columns and caps to windows for the south block and other iron work to the amount of about \$7,000, which the defendants Monroe & Judson paid at sundry times upon the said account, until there was about \$1,100 left due the plaintiffs in that action, when a fair question arose in dispute between the two parties, as to the defects, overcharges, and other matters which the defendants desired adjusted before full payments should be made of the account ; and from which disputed account the suit referred to in this question was commenced. A judgment was obtained, as the defendant expected and the same has been satisfied and discharged of record. And the witness believes that Thompson Kingsford had nothing to do with the bringing of said suit against the defendant, and believes that had the advice of Thompson Kingsford been followed or adopted by the plaintiffs Middlebrook and Mack, of the firm of Middlebrook, Mack & Co., which is the proper name of the firm, above given as Middlebrook & Powell, there would, I believe, have been no suit. That the witness has no animosity resulting from the said suit against Thompson Kingsford and has never had, and holds him in high esteem to this day ; that the witness has no animosity or ill-feeling against the present member of the assembly from the first assembly district, George B. Sloan, but has, does, and hopes he will ever hold him in the highest possible estimation and esteem, although the witness has and does hold very distinct political views from these two gentlemen.

6584. Q. Mr. Kingsford was a member of the firm of Middlebrook, Mack & Co., of which you have spoken, was he not, and a party to the action which you have described ?—A. I believe he was.

6585. Q. And do you hold Thompson Kingsford in the same high esteem as you say you do Mr. Sloan ?—A. I can discover no particular difference in my feelings towards the two men.

6586. Q. Is it possible for you to hold in high esteem a person who uniformly and persistently seeks to coerce and intimidate his employes

into voting or abstaining from voting contrary to their conscientious wishes in the matter by threats of removing them or discharging them from employment in case they do not comply with his desires in their political action ?

(Objected to as immaterial.)

A. If the party holding so prominent a position as Mr. Kingsford, pursues such a course with his employes, and believes that he is doing his country a great service and his party a great good, I do deprecate a course pursued by him in that direction towards his employes; but for the sake of the great good he does the laboring poor of the community where he resides, I will try the best I can to excuse him for the great wrong, and still hold him in high estimation for the good he does. Charity covereth a multitude of sins.

6587. Q. Do you wish us to understand that Mr. Kingsford has been guilty of the offenses named in the question to which you have last answered, and that you nevertheless highly esteem him ?

(Objected to as not being material and a repetition. Notaries differ. Coon for admission.)

A. Witness supposed when the counsel for the contestee framed the question that he was alluding to the course generally supposed by the Democratic party in this city and county to be pursued by Mr. Thompson Kingsford; and if he did, he still holds Mr. Thompson Kingsford in high esteem. The witness does understand that that course has been pursued to a greater or less extent by Mr. Kingsford.

6588. Q. And do you not regard a man who will so oppress his dependents in their political action, as an enemy of the free institutions of this country, and as deserving of the severest condemnation of all right-minded persons as utterly unworthy of the high esteem in which you profess to hold him ?

(Objected to as immaterial.)

A. Witness claims to have answered this interrogatory freely, fairly, and without evasion when answering interrogatory No. 6586.)

6589. Q. Question 6416 and the answer to it read to witness. Do you believe, sir, with reference to that question and answer, the information which you professed to have received, and that Mr. Sloan expended or was cognizant of the expending of any money whatever in the purchasing of votes in his interest, at the last fall's election when he was a candidate for the assembly ?

(Objected to as immaterial; there being no issue on Sloan's election.)

A. I do believe from the information I received that one or both of the Moriartys did expend money to aid in the election of Mr. Sloan and of Mr. Mason; but do not believe that the Hon. George B. Sloan was a party to any such transaction otherwise than by a liberal contribution of his means to the Republican county or district committee or to other parties legitimately.

6590. Q. Do you believe that George B. Sloan furnished any money, directly or indirectly, for the purchasing of votes in his own interest in any place in this assembly district ?

(Objected to as irrelevant and immaterial unless Judge Mason is included. Notaries differ. Coon for admission.)

A. I don't believe that George B. Sloan contributed one single dollar to any fund for political purposes, with the understanding, expressed or understood, that it should be used for illegitimate purposes in this assembly district; but that the money used by the Moriartys, as the story reached me, was understood to be received from Judge Mason

directly or indirectly; and, in its use by the Moriartys, did conduce or aid in the election primarily of Mr. Mason and incidentally of Mr. Sloan.

(Counsel for contestee says: Now I move that so much of the answer as relates to the assumed conduct between the Moriartys and Judge Mason be expunged from the record, as not responsive to the question.)

6591. Q. You reside, do you not, not far from the new shade-cloth factory erected by Mr. Sloan and others last fall, and in respect to which you have given testimony in this proceeding?—A. I reside some distance from the building spoken of.

6592. Q. But in the ward adjoining that structure, do you not?—A. The structure is in the sixth ward, and I reside in the eighth ward, and they adjoin.

6593. Q. You saw that building frequently during the process of construction, did you not?—A. I did.

6594. Q. And you saw the men who were employed on it and about it?—A. I saw men employed on it and about it and in its construction.

Adjourned to 2 o'clock p. m.

Cross-examination of DAVID H. JUDSON resumed by J. B. ALEXANDER, counsel for contestee:

6595. Q. And you saw them frequently, did you not?—A. Yes, sir.

6596. Q. And you personally knew quite a number of them, I suppose?—A. I did.

6597. Q. About how many were employed there?—A. I don't believe I have sufficient knowledge to form a very good opinion as to the number.

6598. Q. Do you know what proportion of those employés were Republicans, what Democrats, and what Greenbackers, so called?—A. I do not know.

6599. Q. Can you name any voter, among all the employés engaged in the construction of that building, whom you can swear voted differently from what he would have voted in case he had not received employment there?—A. I have not sufficient knowledge how any of the men employed on that building voted to swear positively as to how they voted.

6600. Q. Can you name a single employé whom you have good reason to suppose voted differently, by reason of that employment, from what he otherwise would have done?—A. I have reason to believe that one William Kelly, I think is his name, voted differently, by reason of his working upon that building, from what he would had he not been at work on the building.

6601. Q. Name another such employé.—A. I do not now call to mind the name of any other employé whom I have as good reason to believe voted differently last fall from his conviction as in case of William Kelly.

6602. Q. Have you any information that leads you to believe that the vote of William Kelly was changed by any undue or improper influence? And, if you have, you may state what that information was.—A. I have knowledge and information to lead me to believe that he voted in the manner he did, from the fact of his laboring upon that building, but the nature of that information I decline to give.

6603. Q. Will you swear that his services were procured or were continued there under an agreement or understanding that he should vote for any particular candidate or any particular ticket?—A. I will not so swear.

6604. Q. I ask for the source of your information which bears you out

in the statement you have made in reference to William Kelly's voting.—  
A. Partly from himself.

6605. Q. And partly from what other source, if any?—A. My impression is that my other source of information was from John Radigan.

6606. Q. Do you now decline to state the nature of that information, or what it was?—A. I do.

6607. Q. Did William Kelly work there at the time of the election, to your knowledge?—A. If William Kelly was his name, he did. It was my impression that was his name.

6608. Q. Where does this Kelly live?—A. In the eighth ward.

6609. Q. When did he tell you what you refuse to tell?—A. On the day of or just previous to election.

6610. Q. Has he been sworn as a witness in this case?—A. Not to my knowledge, not having kept track of the witnesses sworn before this tribunal.

6611. Q. What is this Kelly's business?—A. He is either a stonemason or bricklayer, or traveled under the hod.

6612. Q. Is not his name Patrick Kelly?—A. His name is not Patrick Kelly.

6613. Q. Whereabouts in the ward does he reside?—A. I think he resides in what is known as Pious Hollow.

6614. Q. Give the street.—A. I don't know.

6615. Q. You were present occasionally, and saw the work going on in Kingsford's new building last fall, did you not?—A. I was, occasionally.

6616. Q. About how many men did you see employed there?—A. I have not sufficient knowledge to form a correct estimate of the number of men employed in that building.

6617. Q. You knew a considerable number of them, did you not?—A. I knew some of them.

6618. Q. Can you name an employé in that whole force whose vote you know to have been changed by his employment there?—A. I do not know positively, at least positively enough to swear to it, how those employés voted, but can only judge from appearances and hearsay as to how they voted.

6619. Q. Can you give the name of an employé on that force whom you have satisfactory reasons for supposing voted otherwise than what he would by reason of such employment?—A. I have; will name Mr. Cody.

6620. Q. What Cody is that—his name?—A. I think his name is William. I am not positive about that. He is the old gentleman.

6621. Q. Did you know that he had been sworn in this case?

(Objected to as immaterial.)

A. I did not know that he had been sworn before this court.

6622. Q. Where does he live?—A. On East Second street, I think, in the eighth ward.

6623. Q. Name another whose vote you think was changed by such employment.—A. I think Mr. Brennan's was—Michael, I think; but am not sure about that. It was an elderly gentleman.

6624. Q. Didn't you know that he had been sworn in this case?—A. I did not.

6625. Q. Where does Brennan live?—A. In the lower part of the eighth ward; I can't give the street.

6626. Q. Are the three men, Kelly, Cody, and Brennan, men of good reputation for truth and veracity?

(Objected to as immaterial and incompetent, and nothing more than

a cross-examination upon a cross-examination. Notaries differ. Coon for admission.)

A. I decline to answer under the notice.

6627. Q. Why do you keep the notice that you referred to of declining to answer unless both notaries agree in certain instances, and disregard it in others?—A. For the purpose, if possible, of keeping the counsel for the contestee down to his legitimate and proper sphere in the cross-examination, in the first place; and 2d, I choose to take the benefit of answering such questions, sometimes, lest by reason of the questions asked by the contestee a wrong impression might be inferred from my silence.

6628. Q. Are you an attorney at law, and skilled in the question of cross-examination?

(Objected to as immaterial, the witness having already answered as to his occupation. Notaries differ, Green holding that witness cannot be indefinitely examined upon answers to cross-examining questions.)

A. I decline under the notice.

6629. Q. Do you know what proportion of the employes upon Kings-ford's new building were Republicans and what Democrats and Green-backers?—A. I do not.

6630. Q. Have you any knowledge of the politics of those men sufficient to enable you to express an intelligent opinion as to how many votes were changed, if any, by reason of their employment in the construction of those buildings?

(Objected to as being a repetition, the witness having already answered.)

A. I have no knowledge of how many votes were changed by reason of their employment on those two buildings.

6631. Q. Did you attend the polls at last fall's election?—A. I did attend the polls of the eighth ward election district.

6632. Q. Do you know of a single vote to be purchased at that election in that ward?—A. If you mean by the absolute use of money for the purchase of votes, I answer I do not; but if you allude to the matter of influence by employment, then I do to the best of my knowledge and belief.

6633. Q. Name the persons whose votes you know to have been purchased by reason of employment.—A. I know that the conduct and the words used by the three witnesses named led me or leads me to the conclusion that the three witnesses named were thus influenced.

6634. Q. Who purchased the votes of either of those three men, or all of them?

(Objected to on the ground of its being a distortion of witness's words.)

A. The last question by the counsel for contestee is of such a nature that, in accordance with my previous answer to question 6632, so far as the purchase is concerned, it is fully answered.

6635. Q. Who were the men whom you know, if you do, who purchased the votes of the three men you have named by the giving to them of employment?—A. I again decline to use the word "purchase," as put in the question by the counsel for the contestee, but am willing to state, to the best of my knowledge and belief (contestee's counsel objects to his belief), of who influenced those men by the giving of employment.

6636. Q. I have not called, and do not call, for your belief, deeming it incompetent and not evidence; but if you know the name or the names of the person or persons who obtained the votes of those three men by the promise of labor or employment, I ask you to give their names?—

in the statement you have made in reference to William Kelly's voting.—A. Partly from himself.

6605. Q. And partly from what other source, if any?—A. My impression is that my other source of information was from John Radigan.

6606. Q. Do you now decline to state the nature of that information, or what it was?—A. I do.

6607. Q. Did William Kelly work there at the time of the election, to your knowledge?—A. If William Kelly was his name, he did. It was my impression that was his name.

6608. Q. Where does this Kelly live?—A. In the eighth ward.

6609. Q. When did he tell you what you refuse to tell?—A. On the day of or just previous to election.

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6636. Q. I have not called, and do not call, for your belief, deeming it incompetent and not evidence; but if you know the name or the names of the person or persons who obtained the votes of those three men by the promise of labor or employment, I ask you to give their names?—

A. In answering this question and all other interrogatories put by the counsel of the contestant and contestee, I have answered, and propose to continue to answer, to the best of my knowledge and belief; and, if he desires my answer after this explanation upon these conditions, I will proceed to give it.

(The contestee's counsel declines to make conditions, or to enter into any treaty with the witness, and asks the witness to answer the question now unanswered.)

The witness is not anxious to enter into any treaty or into any stipulations with the counsel for the contestee, and will proceed only upon the terms above named.

Counsel for contestant says the examination in chief, and so far as the cross-examination by Mr. Alexander has been conducted, fairly shows that the witness has repeatedly stated the ground of his knowledge of these three men.)

6637. Q. Do you know of a single employé of the Oswego Starch Factory, or in any of the works connected with it, who was compelled to vote at the election of last fall contrary to his political preferences, or to abstain from voting contrary thereto?—A. I do know of an employé in the starch factory who told me (contestee's counsel objects to this) that he voted as he did for the sake of retaining his place in the starch factory and for the sake of the support of his family.

6638. Q. Who was that?—A. I decline to give the name of this man, for the reason that such a statement from him to me would place him in jeopardy of losing his position in the starch factory employment.

6639. Q. Why have you testified to any portion of what passed between you and this man, if you did not intend to give all of your knowledge in the matter?

(Objected to as immaterial. Notaries differ.)

A. I decline under the notice.

6640. Q. Is it not your purpose, Mr. Judson, by answering and declining to answer the questions in the manner in which you have in this examination, to injure and defame the reputation and character of Mr. Mason and Thompson Kingsford to any extent that will in your judgment aid the cause of Mr. Duffy in this contest?—A. It is not my purpose, in answering and refusing to answer the interrogations of the counsel for the contestee to injure or defame the high and honorable name of Judge Mason, and the equally high and honorable name of Thompson Kingsford in order to aid Mr. Duffy in this contest.

6641. Q. When did this man to whom you refer make this statement that you have sworn to?—A. I think it was just after election.

6642. Q. Have you ever talked with Mr. Kingsford on the subject of his dealing with his men so far as it might relate to his political action or his political wishes with reference to them?—A. I do not think I have.

6643. Q. Have you any knowledge that Mr. Kingsford and Judge Mason have any personal acquaintance?

(Objected to as immaterial so far as this witness is concerned, the contestee having himself drawn out from Mr. Mott that Kingsford and Mason were acquainted from his boyhood, and that Kingsford desired his nomination and election.)

A. I have no personal knowledge of any intimate acquaintance, but have understood that they were well acquainted.

6644. Q. You arrived at that understanding, did you not, through the last objection of contestant's counsel, Mr. Baker?—A. I did not.

6645. Q. Name any person who has ever told you that they have a personal acquaintance, if any one ever has?—A. Well, John A. Barry.



6646. Q. Have you any personal knowledge that Mr. Kingsford especially interested himself to bring about the election of Judge Mason?—A. I have knowledge, whether personal or otherwise, which at least seems to me substantial, that Thompson Kingsford used extraordinary measures and means in aid of the election of Mr. Mason.

6647. Q. What have you heard Thompson Kingsford say, or what have you seen him do, that leads you to suppose that he had a more especial interest in the election of Judge Mason than some or any other Republican candidate at the last fall's election?—A. I have not heard Thompson Kingsford say anything, but I have seen some of the results of Thompson Kingsford's efforts, as displayed by men in his employ, which led me to believe that he desired the election of Judge Mason and George B. Sloan, and a greater majority for George B. Sloan than for any other candidate on the Republican ticket.

6648. Q. Is that the most candid answer that you can make to the question just put to you?

(Objected to as immaterial.)

A. I believe the answer to be entirely candid, and as candid as the question asked by the counsel for the contestee.

6649. Q. Do you look upon the fact of a candidate's running ahead of his ticket as a sure badge of fraud on the part of that candidate?

(Objected to as indefinite and uncertain.)

A. Not necessarily.

6650. Q. Mr. Sloan ran ahead of his ticket last fall in this district, did he not?—A. I believe he did.

6651. Q. Do you regard that fact itself, standing alone, as an evidence of fraud in his election?

(Objected to as immaterial to the issue. Notaries differ. Coon for admission.)

A. Not necessarily.

6652. Q. John Dowdle, Democrat and Greenback candidate for county treasurer, ran ahead of his ticket, did he not, both in this assembly district and the county at large?—A. Not having the returns before me, I am not fully prepared to answer yes or no. He running upon two tickets, how his vote compares with other candidates upon the same ticket, I do not remember.

6653. Q. How many towns are there in this county?—A. Twenty-one.

6654. Q. Do you know what the vote of this county is, on a full vote?

—A. My impression is about fourteen or fifteen thousand votes.

6655. Q. How many polling places in the county?—A. I do not know.

6656. Q. Do you know where those polling places all are, or most of them? I mean of those outside of the city.—A. I know where some of them are.

6657. Q. Your knowledge of them is confined to the polling places in this district, is it not?—A. My knowledge of the polling places is not entirely confined to this district, having visited other portions of the county sometimes in years past; but I am better acquainted with the polling places in this assembly district than in the other two districts of the county.

6658. Q. And there is only one polling place to each ward of the eight wards of the city?—A. There are only eight polling places in the city.

6659. Q. And the polling places in the county are frequently long distances apart, are they not—many miles?—A. I believe they are several miles apart sometimes.

6660. Q. Can you give the names now, from memory, of all the towns

that comprise the second assembly district of this county?—A. I can give some. I don't know that I can give all.

6661. Q. And is not the same true as to the third assembly district?—A. It is.

6662. Q. Why is it that you put the expense of conveying voters to the polls in the several wards of this city at six dollars per ward, while in the country you place a similar service at five dollars per town?—A. Because of the ability to hire conveyances at a much less rate in the towns than in the city.

6663. Q. Do you not know that most of the towns have more than one polling place?—A. I know that many of the towns have more than one polling place.

6664. Q. Would not the expenses of a political campaign necessarily and properly vary in accordance with the interest manifested in it by the people, as compared with other campaigns in this county?—A. I am inclined to think that the legitimate expenses of the election, so far as the conveyance of sick, poor, and infirm voters to the polls is concerned, could not very well be increased by reason of the interest of the people in the campaign.

6665. Q. But how would that be with reference to other kinds of expenses in case of an election of great importance as compared with one of minor importance, and in which it should be deemed necessary and where the county committee should deem it necessary to organize and have held many public meetings, and to employ speakers to attend them, and to circulate political documents?

(Objected to as immaterial and as being a hypothetical question not founded on facts as proven; and the facts proven by the contestee himself show a large sum of money, viz, some \$1,500, levied, assessed and collected, and no proof that it was employed to hire speakers or to defray their expenses to attend political meetings; and further, that under the statutes of the State of New York no expenses are legal in the campaign other than the circulation of documents and tickets, and the carrying of sick, poor, and infirm voters to the polls. Notaries differ; Coon holding it legitimate cross-examination.)

A. I decline to answer under the notice.

6666. Q. Do you not know that many public meetings were held by the Republicans of this county and Madison County, and that speakers were employed by the respective county committees?

(Objected to on the ground that it is immaterial, as not asking for information of expenditures within the statute on elections. Notaries differ; Coon for admission as legitimate cross-examination.)

A. I decline to answer under the notice.

6667. Q. And do you not know that considerable expense was incurred in procuring the attendance of speakers on such occasions, as well as in the circulation of political documents in the community at large by the Republican county committee of this county?

(Objected to: 1st as indefinite as to time; 2d, as immaterial to the issue. Notaries differ; Coon for admission as before.)

A. I decline to answer, as before, under the notice.

Adjourned to April 23, at 9 o'clock a. m.

Cross-examination of D. H. JUDSON resumed by J. B. ALEXANDER, counsel for contestee, April 23, 1879:

6668. Q. The last year's campaign was a pretty warm and spirited one—political campaign, I mean?—A. I did not regard it as a very warm

and spirited campaign, except as to some candidates who made great personal exertions on all the tickets.

6669. Q. Mr. Gardenier, the candidate on the Democratic ticket for sheriff, was one who made great personal exertions, did he not?

(Objected to as immaterial. Notaries differ.)

A. I think he did.

6670. Q. And is it not matter of current report that he spent large sums of money in influencing the election?

(Objected to as immaterial. Notaries differ.)

A. It was currently reported he spent a great deal of money in furthering his own interest.

6671. Q. Have you talked with him on the subject?—A. I think I have.

6672. Q. And have you not learned from him, or from other reliable sources, that he spent from ten to twelve hundred dollars in that campaign last fall?

(Objected to as wholly and entirely immaterial. Notaries differ; Coon for admission.)

A. I did not gain information from Mr. Gardenier that he spent that amount of money. I have heard from other sources that he spent from eight to ten hundred dollars.

6673. Q. Do you think that the expenditure of the county committee, of seven cents per capita of the voting population of the county, in the circulation of political documents, and in the getting up of meetings, and the furnishing of speakers, and paying their hotel bills and livery hire, or other traveling expenses, and in the printing and distribution of ballots, and in paying for teams and necessary help in procuring the attendance at the polls of sick, poor, and infirm voters, would be an extravagant and unwarranted expenditure by such committee?—A. I do, under the statute and the laws pertaining to elections, as I understand them.

6674. Q. How would it be, leaving out of consideration your supposed illegality of some or any of the items referred to, with reference to an expenditure of seven cents per capita of voters?

(Objected to as immaterial.)

A. I should think that sum more than was needed in the prosecution of such a campaign as was prosecuted last fall, and greatly in excess of what was needed.

6675. Q. Do you not know, Mr. Judson, that there are nearly 20,000 voters in this county? Give me your best opinion?—A. My best impression in regard to the number of voters is, that there are from 17,000 to 20,000. My idea was, that there was about 18,000 by the census.

6676. Q. You did not know of the Moriartys' expending any money for election purposes, did you?—A. I did not.

6677. Q. Have you talked with any one who said that he received money from them, at last fall's election?—A. I have not.

6678. Q. Have you talked with any one who has claimed to you that he saw them paying any money to any voter at last fall's election?—A. I think I have.

6679. Q. Will you swear positively on that point?—A. A party told me positively that money was paid by the Moriartys' in last fall's election; I don't think the party said that he saw the money paid.

6680. Q. That is all the knowledge you have, then, on the subject, is it?—A. I have heard through other sources than the one referred to, that they spent money.

6681. Q. You profess to have no information on that subject except hearsay, do you?—A. I do not.

6682. Q. Can you name a Republican vote in the county of Oswego who was so lukewarm or indifferent to the result of the election that he would not go to the polls to vote unless conveyed there, for that purpose, by somebody else?—A. I can name a Republican voter, who made a statement to that effect, as I was informed.

6683. Q. And who was he, pray?—A. Peter Hilbert.

6684. Q. And did he tell you that?—A. He did not.

6685. Q. And is all your information on that subject—that is, the conduct of those you have denominated as lukewarm or indifferent Republicans—as remote, ill-founded, and unreliable as in the instance you have just cited?—A. I regard the case just cited as based simply upon hearsay; but in many cases alluded to in my former testimony, as to this class of individuals, I gather from statements made to me from many persons who are Republicans.

6686. Q. Have you any knowledge on that subject except hearsay?—A. I have knowledge upon the subject of lukewarmness from the men themselves.

6687. Q. I asked about the conduct of alleged lukewarm or indifferent Republicans in going to or keeping away from the polls. Have you any information on that except hearsay?—A. Much of it is from hearsay—I presume all from hearsay or from the drivers of carriages.

6688. Q. How many drivers gave you any such information—name them?—A. I can't give the names of these drivers, nor did they convey the information to me personally, but to others in my presence.

6689. Q. You understand, do you not, that the evidence you have been giving is in rebuttal to evidence given in behalf of Judge Mason?—A. I do.

6690. Q. You understand that the contestant's time for taking such evidence expires within a few days, and that the contestee will have no opportunity to contradict any statements that you have made or are likely to make upon this examination?

(Objected to as immaterial and without sense. Notaries differ as to materiality. Coon for admission, as liable to affect credibility of witness.)

A. My information upon that subject I have obtained from the counsel for the contestee, and therefore believe it to be true.

6691. Q. You knew that such was the case, did you not, before you was sworn?

(Objected to as, 1st, immaterial; 2d, that it cannot be admissible in any possible manner, as Notary Coon held as to last objections, to affect the credibility of witness. Notaries differ, as before.)

A. I did not.

6692. Q. How many times have you talked with Mr. Baker, contestant's counsel, about this case?—A. I should think I had three or four times.

6693. Q. Will you swear that since your examination begun that you have not spoken to him or he to you about this case at least fifty times, excluding examination?

(Objected to; that question is indefinite and uncertain, and should be confined to the subject of this examination.)

A. I will swear that he has not spoken to me at least fifty times about this case.

6694. Q. Has he not called you from the room and talked with you

on several occasions during the progress of your examination and cross-examination ?

(Objected to as indefinite and uncertain, as not applying to the matter of his examination, and immaterial. Notaries differed ; Green holding it immaterial unless question is limited to interviews in regard to matter of examination.)

A. He has called me from the room two or three times to consult upon matters not pertaining [contestee's counsel objects to witness stating the subject-matter of interviews] in the least to this examination.

6695. Q. Has he not, during the progress of the examination, just previous to asking you questions, held whispered communications with you while you were upon the stand ?

(Objected to as immaterial, indefinite, and uncertain, and not applying to the subject-matter of his examination. Green holds it immaterial, unless applied to interviews in relation to the subject-matter of his examination. Coon holds it proper cross-examination, and the subject-matter should be inquired into on redirect examination if wanted.)

A. He has not in relation to the subject under examination.

6696. Q. When you first came upon the stand to testify you had written memoranda to which you referred upon your examination?—A. I had a memorandum of the names of members of certain committees, to which I referred both in my direct examination and in my cross-examination.

6697. Q. Who furnished you with those memoranda ?

(Objected to as immaterial.)

A. Mr. John A. Barry, at my request.

6698. Q. How long had you been preparing yourself for a witness in this case?—A. Aside from the memorandum alluded to I have not undergone any preparation for this examination.

6699. Q. How many times have you talked with Mr. Duffy about this contest ?

(Objected to as immaterial. Notary Green holds it immaterial, unless question is applied to the subject-matter of witness's evidence. Notaries differ.)

A. Three or four times, I should say.

6700. Q. Have you not said, with reference to testimony given in this contest by witnesses in behalf of Mr. Duffy, that those witnesses were not clear and positive enough in the way in which they gave their testimony, or in substance that ?

(Objected to as entirely immaterial, insulting, and only put for purpose of consuming time.)

A. I haven't said so.

6701. Q. Have you not talked with Mr. Duffy, or with other persons, since this contest commenced, to the effect that you wanted an important public appointment, and thought that you were entitled to it because you had been called upon so frequently to lead the forlorn hope of the Democratic party in this district, and that you ought to have the assistance of Mr. Duffy ?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. I have not talked with Mr. Duffy, or any other person, upon that subject, or making any such requests, and am not in pursuit of any office or position within the gift of any member of Congress, and do not desire any, nor any appointment.

6702. Q. What business were you engaged in before you came to this city ?

(Objected to as immaterial. Notaries differ.)

A. I was book-keeper.

6703. Q. And you engaged in book-keeping, after you came here, with a Mr. Crawford?—A. I was in Mr. Crawford's employ before I came here and after I came here.

6704. Q. You came here twenty years ago, did you?

(Objected to as immaterial and having been answered before.)

A. I came here in 1859.

6705. Q. And were you not a Republican then?—A. I was not, and never was.

6706. Q. Have you never voted for Republican candidates?

(Objected to as immaterial. Notaries differ. Coon for admission.)

A. I believe I have, upon a few occasions, voted for Republicans.

6707. Q. Did you not vote for George B. Sloan, last fall, for assembly?

(Objected to as immaterial, incompetent, and irrelevant; Green holds it immaterial. Notaries differ.)

A. The ballot being a right conferred upon the citizen to be exercised in secret, I hold should be maintained in secrecy, unless voluntarily given by the individual voter.

6708. Q. And do you decline to tell whether you voted for him or not?—A. My above answer I deem a sufficient answer to this question.

6709. Q. When did you and your partner purchase the ground upon which this building now stands?

(Objected to as immaterial.)

A. I think in 1865 or 1866.

6710. Q. The old building which occupied these ground sat the time of that purchase was burned, was it not, shortly after; and you recovered a large amount of insurance upon it, did you not?—A. No, sir.

6711. Q. Didn't that building burn?—A. It did not.

6712. Q. Did you erect one, after the purchase, which did burn?—A. It did.

6713. Q. And you recovered the insurance upon it, did you not?—A. A part of it.

6714. Q. And subsequently you erected another building upon the same ground, did you not?—A. We did.

6715. Q. And that was a larger and better building, was it not?—A. It was a larger and better building, and the one we now occupy.

6716. Q. Have there not been two fires upon this very ground in which you were interested in the insurance upon the property burned?—A. There have been two losses by fire upon buildings, upon this property, since we owned it.

6717. Q. What was the first building, a wooden building—the first one burned?—A. The first one that was damaged by fire was constructed with wood, brick, and iron.

6718. Q. And after the first fire you constructed a brick building, did you not, in its place on this ground?

(Objected to as immaterial. Notaries differ; Coon for admission.)

A. We did not.

6719. Q. And how much insurance did you recover after the first fire?

(Objected to as immaterial.)

A. Twenty-six hundred dollars.

Adjourned to 2 o'clock p. m.

Cross-examination resumed by J. B. ALEXANDER, counsel for contestee:

6720. Q. How much insurance did you receive on the occasion of the second fire?

(Objected to as immaterial. Notaries differ; Coon for admission.)

A. I think some forty-two thousand dollars.

6721. Q. Is this block now insured by an agent or agency in town or by an agent or agency out of town?

(Objected to as immaterial and irrelevant. Notaries differ; Coon for admission.)

A. We get our insurance in town, in companies represented by agencies in town.

6722. Q. Do you know Mr. Foster, of Hamilton, Madison County, insurance agent there?

(Objected to as immaterial and improper subject of cross-examination. Notaries differ; Coon for admission.)

A. I do.

6723. Q. Have you not received insurance money from fires at various times to the number of five or six where the insurance received, in several instances, was greatly in excess of the value of the property consumed; and did you not receive upon the occasion of the sinking of the canal boat, Amos Stacy, an amount of insurance largely in excess of her actual value, and upon her subsequently being raised after her sinking and by the insurance company, was there not found to be, in her bottom, several auger holes which were the cause of the sinking of the boat; and were not the causes of those several fires on the occasion of their happening represented as unknown by you?

(Objected to as entirely immaterial and irrelevant, also impertinent.

The first two questions as to excess of insurance, Notary Green holds to be immaterial; the next question as to auger holes in the bottom of the boat he holds to be immaterial unless counsel proposes to connect the alleged auger holes with Mr. Judson's act or knowledge in advance of the act of making or causing them to be made.

Notary S. M. Coon holds that the cross-examination in this line has gone far enough.)

A. I have not received insurance from any fire anywhere near as large as the loss occasioned by the fire; I received no insurance money upon the sinking of the canal boat, Amos Stacy, at all.

6724. Q. And did you have no interest in the insurance money of the canal-boat Amos Stacy, which was sunk by being bored through the bottom, and which was recovered by reason of the sinking of the boat?

(Objected to as immaterial. S. M. Coon holds the cross-examination in this line has gone far enough. Notary Green holds the same.)

Redirect examination:

6725. Q. From your acquaintance in the city, and the Republican management of the last fall's election, were there not in each of the seven wards other than your own in the city, about the same number of voters other than the sick, poor, and infirm, who were carried to the polls by the Republicans?

(Objected to as immaterial and not proper in rebuttal. Notaries differ; Coon opposed to admission.)

A. As an estimate I should say there would not be much deviation as to the different wards in that respect.

6726. Q. Were or were not a large number of voters who voted the Republican ticket at last fall's election, in the election district where you reside other than sick, poor, and infirm electors, brought to the polls by teams and carriages belonging to other persons and which you understood and believed to be in the employ of the Republican committee of that ward?

(Objection is that it is immaterial, not proper in rebuttal, and as reopen-

ing of the examination-in-chief, and that he should not answer except as to his knowledge. Notaries differ as to materiality. Coon for exclusion.)

A. I think there were.

Recross-examination :

6727. Q. Do you know they were so brought ?—A. I know they came to the polls and took votes from Republican distributors of votes, and voted the tickets that were given them. The teams brought Republican voters.

6728. Q. Do you know, sir, by whom a single team was employed, that was engaged in carrying voters to the polls on last fall's election-day ; and if you do, state who employed it, and how much, if anything, was paid for its use ?—A. One of the teams which I saw at the polls on election-day, in the eighth ward, when driven up in front of the polls, had as an occupant in the vehicle one William Dury, which he stated to me he had hired as one of the members of the ward committee. That team was employed during the rest of the day at the polls.

6729. Q. And that is the sum of your exact knowledge on that topic, is it not ?—A. That is the only carriage that I know was there by the orders of the man Dury. My knowledge in regard to other carriages was hearsay.

6730. Q. When you have been a candidate have you ever expended money for the purpose of aiding your election, and for the purpose of securing the attendance of voters at the polls.

(Objected to as immaterial to this issue. Notaries differ.)

A. Yes, sir.

6731. Q. Do you think that the Democratic voters of this city, to any considerable extent are corrupt, and frequently and readily sell their votes on occasions of elections.

(Objected to as immaterial, and question should be confined to last election. Notaries differ. Coon for admission.)

A. I do not think the Democratic voters are generally corrupt and generally ready to sell their votes.

6732. Q. Do you think there are many that would sell their votes ?

(Objected to as immaterial, and should be confined to last election.)

A. I do not think there are many that would sell their votes for money.

6733. Q. And consequently you do not think there were many in this city whose votes were purchased last fall for money or with money ?

(Objected to as immaterial and repetition.)

A. I don't believe there were.

D. H. JUDSON.

Sworn to and subscribed April 23, 1879 before us.

WILLIAM W. GREEN,  
Notary Public.

S. M. COON,  
Notary Public.

*Deposition of John A. Barry.*

6734. Question. What is your name, age, residence, and occupation ?—Answer. Name, John A. Barry ; age, fifty two years ; occupation, editor ; residence, first ward, city of Oswego, West Third street, No. 48.

6735. Q. Are you now, and, if so, how long have you been the editor of the Oswego Palladium ?—A. I am, and have been for about twelve years.



6736. Q. During that time has that been the Democratic organ and the only Democratic paper published in Oswego?—A. Yes; it is and has been.

6737. Q. Were you last fall treasurer of the Democratic county committee of the county of Oswego?—A. I was.

6738. Q. Did all the moneys raised by that committee for the purpose of carrying on the fall campaign come into your hands as such treasurer, as you understand and verily believe?

(Objected to as immaterial; not proper rebuttal; and also objects to witness giving his belief. Notaries differ; Coon for exclusion.)

A. Yes.

6739. Q. How much money did that committee raise for that purpose?

(Same objection "for that purpose." Same difference of notaries.)

A. One hundred and forty dollars.

6740. Q. And was that all the money they raised for that purpose?

(Same objection. Same difference of notaries.)

A. Yes.

6741. Q. What use was made of that money?

(Objected to same as before. Same difference by notaries.)

A. Printing tickets and advertising and distributing tickets in the county.

6742. Q. None of it was paid out for any other purpose?—A. I know it was not paid out for any other purpose; I paid it out myself.

6743. Q. How was this money raised and upon what class of persons?—A. By assessment of the county committee, and upon Democratic candidates.

6744. Q. Was there any resolution of the committee appropriating the money or directing its payment in the manner and for the uses and purposes it was paid for?

(Objected to as incompetent and immaterial and not proper in rebuttal. Notaries differ. Coon for exclusion.)

A. There was a direction of the committee that the money should be paid as it was paid, and for no other purpose.

6745. Q. How much of this \$140 did the committee assess upon Mr. Duffy, the candidate for member of Congress?

(Same objection. Objection overruled.)

A. Twenty-five dollars, I think. I am not positive whether twenty-five or thirty.

6746. Q. He paid the amount assessed to him to you, did he?—A. Yes.

6747. Q. Do you know, or did you hear until after this contest had commenced, of Mr. Duffy's paying any other money for the advancement of his election, or of the Democratic ticket, or of the Greenback ticket, except what he paid to you and the amount he paid to the Greenback county committee?

(Objected to his giving any hearsay.)

A. I don't know that he paid any money except what he paid to me; I don't remember to have heard that he paid anything to the Greenback committee.

Cross-examination by contestee's counsel, J. B. ALEXANDER, of witness John A. Barry:

6748. Q. How much of that money expended by you was received in the Palladium office?—A. One hundred and twenty-eight dollars.

6749. Q. And how were the other twelve dollars expended?—A. Ten dollars for the expenses of a person to distribute tickets in the second

and third assembly districts; and two dollars for a horse and buggy to take the tickets to the town of Oswego.

6750. Q. Then the \$128 was applied expressly for the printing performed by the Oswego Palladium Printing Company?—A. Yes.

6751. Q. And did you receive no more than \$30 from Mr. Duffy?—A. I think it was twenty-five; I don't think it was more than thirty.

6752. Q. When was this assessment made—how long before election?—A. I don't remember; I can't remember. It was after his nomination, of course, and before the election. I think it was within a week after his nomination.

6753. Q. Were you present when the assessment was made by the committee?—A. I was.

6754. Q. Who else was present? Was there a full quorum of the committee?—A. The first part of the question I can't answer. To the second part I answer yes.

6755. Q. When was that money paid into your hands by Mr. Duffy?—A. A few days after I notified him by mail of the assessment.

6756. Q. How long have you known Mr. Duffy?—A. I think the first time I ever heard of him was when the Greenbackers nominated him. I didn't know him then.

6757. Q. You understood, then, that he was the Greenback candidate for Congress, and that he had been making speeches previous to his nomination by the Democrats in the interest of the Greenback party.

(Objected to as not a legitimate subject of the cross-examination of this witness, as he has not been examined upon that subject or anything relating thereto; and the contestee has no right to consume contestant's time in a direct examination of witness in his favor. Notaries differ.)

A. I did hear that he was making Greenback speeches.

6758. Q. There were other Democratic committees, were there not, in this county, such as the city, ward, and town committees?—A. Yes.

6759. Q. You have no personal knowledge, have you, as to whether those committees received and disbursed moneys to aid in the political campaign of last fall?—A. I have none.

6760. Q. Did you see Mr. Duffy frequently, after his nomination by the Democrats and prior to the day of election?—A. I saw him once during that time.

6761. Q. That was on Monday, the day prior to election?—A. Yes.

6762. Q. That was at the Doolittle House, was it not?—A. Yes.

6763. Q. You heard very little as to what Duffy was doing, did you not, between the time he was nominated by the Democrats and election day?—A. Yes.

6764. Q. And did not know where he was spending that time or how he was spending it?—A. I knew he was in Madison County, electioneering; that's all.

#### Redirect examination:

6765. Q. Did you support Mr. Duffy and did you vote for him?—A. I did both.

6766. Q. Is there any Democratic committee in the county of Oswego, of which you know, or of which you have ever heard, which, by the usages or by any rule or regulation of the Democratic party, was authorized, or is or ever has been authorized to raise or expend any money for the advancement of the Democratic cause at any fall or general election except the Democratic county committee of Oswego County?

(Objected to as incompetent and immaterial.)

A. No.

Recross-examination, by J. B. ALEXANDER, contestee's counsel, of JOHN N. BARRY:

6767. Question. Do you know John Gardenier, the Democratic candidate for sheriff of Oswego County at the last fall election?—Answer. Yes.

6768. Q. Have you not heard that he expended large sums of money in the political canvass of last fall?

(Objected to as not legitimate cross-examination of this witness, he not having been inquired of as to any such subject; incompetent, irrelevant, and immaterial. Notaries differ; Coon for admission.)

A. I decline to answer that question.

6769. Q. Has not John Gardenier told you that he expended large sums of money?

(Objected to, that question is same character as last above, and intended to consume time. Notaries differ; Coon for admission.)

Counsel for contestant, William Tiffany, gives notice that unless the counsel for the contestee asks legitimate questions on cross-examination he will advise witness not to answer.)

A. I decline to answer.

6770. Q. Have you not what you deem reliable information that several Democratic and Greenback candidates expended very considerable sums of money in the political canvass of last fall?

(Objected to same as to last question and that the question does not appear to include Mr. Duffy. Same difference of notaries.)

A. I decline to answer, on the ground of its entire irrelevancy and lack of bearing upon this issue, as I understand it.

6771. Q. Is it your opinion that if expenditures were made by candidates as intimated in the previous question, and for the purpose of bringing to the polls Democratic voters or Greenback voters, that such action would not have a favorable effect upon Duffy's case and thereby increase his vote at the election?

(Objected to on same ground as last question. Same difference of notaries.)

A. It is my opinion that if the Democratic candidates had used money and used it in such a way as to get votes in to the ballot-box that would not have been there otherwise for the Democratic candidate, that it would have had the effect of increasing the vote.

JOHN A. BARRY.

Sworn to and subscribed April 23, 1876.

WILLIAM W. GREEN,  
Notary Public.

S. M. COON,  
Notary Public.

Adjourned to April 24th, at 9 a. m.

*Deposition of John Newton.*

6772. Question. What is your name, age, occupation, and place of residence?—Answer. Name is John Newton; age, 35 years; occupation, file cutter; place of residence, Fulton, Oswego County, New York.

6773. Q. Where did you reside last fall at the time of the election?—A. Oswego.

6784. Q. Do you know Daniel Donohue, otherwise known as Nipnet Donohue?—A. I do.

6775. Q. How long have you known him?—A. About nine months.

6776. Q. Did you see him at the Doolittle House, in Oswego, on the evening before the last fall's election?—A. I did.

6777. Q. Who was with you at the time?—A. George Allen.

6778. Q. State the place where you and George Allen met Donahue, and the conversation that occurred between you and him, if any, and what he did as well as said.

(Objected to that it is immaterial and incompetent, and the same is not in rebuttal; that Donahue was contestant's second witness in the matter of this contest, and contestant cannot now contradict him or seek to impeach him either directly or indirectly; that this is an attempt to reopen contestant's case, and contestee gives notice that, while objecting to such reopening, should the notaries disregard the statute and take affirmative proofs, and proceed to reopen contestant's case thereby, contestee will claim the right also to put in further and additional proofs in answer thereto. Notaries differ; Coon for exclusion.)

A. I met Mr. Donahue on the steps of the Doolittle House, also Mr. George Allen with me; he said that he had been to see Mr. Duffy, and that he couldn't get no money out of him; and he pulled a roll of bills out of his pocket and said that was Mason money. After that I did not see him till the night after election; then he made the remark—

(Counsel for contestee objects to another conversation at another time and place in answer to this question.)

6779. Q. Did you see Mr. Donahue again soon after the election, and converse with him and hear him converse? And, if so, state time, place, and conversation.

(Objected to for all the reasons before stated, and for the further reason that the question is not confined to the matters in issue.

Counsel for contestant adds to the question as follows: "Concerning the matters at issue in this contest." Notaries differ as before.)

A. I met him at the Palladium office, and we had a conversation together; and he said, "I think we've got you." I asked him what he meant by that. "Well," says he, "we have elected Mr. Mason, the man that I worked for." That's all that passed between us, and I left him.

6780. Q. Will you state whether Donahue had been claiming to be and holding himself out as a Greenbacker for several months before the election, and down to within a very few days of the election?

(Objected to as before. Same difference of notaries.)

A. Yes, sir; he claimed to be a Greenbacker from last spring, the spring of 1878, down to the night before election.

6781. Q. Did you hear him make several Greenback speeches, and at Greenback meetings, during the months of August, September, and October last?—A. I did hear him make Greenback speeches at Greenback meetings during that time.

6782. Q. Did you know and do you know William Dury?—A. Yes, sir.

6783. Q. Where did Durie reside at the time of last fall's election?—A. In the eighth ward, Oswego City.

6784. Q. Did you reside in the eighth ward at that time?—A. I did.

6785. Did you notice whether Mr. William Durie was engaged on that day peddling tickets for Mr. Mason for member of Congress at the polls in the eighth ward, and soliciting electors to vote for Mason?

(Counsel for contestee says he objects to each and all these questions, as before. Notaries differ as to this question; Coon for exclusion.)

A. I did.

6786. Q. Will you state whether Mr. Durie was so active on that day in his efforts to get people to vote for Mr. Mason as to indicate that he was making a specialty of advancing the interest of Mr. Mason?

(Notaries differ as before.)

A. He did at one time under my notice.

6787. Q. Will you state what he did or said at that particular time?  
(Notaries differ as before.)

A. I offered a man a ticket, a Duffy ticket, and he, Durie, took it out of the man's hand and asked him to vote for Mr. Mason as a special favor for him, Durie. He walked away with the man. That's the last I see of them.

6788. Q. Had Mr. Durie for a year before that been an active Greenback electioneerer, and taking part in Greenback ward meetings, and made Greenback speeches?

(Same objection. Same difference of notaries.)

A. He did during the spring of 1878 make Greenback speeches until after the charter election in March. That's the last I knew of him till the fall election.

6789. Q. Do you know D. J. Van Auken, the notary public?—A. I am slightly acquainted with him.

6790. Q. Were you in my office this morning at 9 o'clock, or shortly after?—A. I was.

6791. Q. And were you then sworn in this case before Notary W. W. Green, before whom your testimony is now being taken, in the absence of Notary D. J. Van Auken?

(Objected to as before, and for the further reason that the record is the best evidence. Notaries differ. Coon for exclusion.)

A. I was.

6792. Q. Will you state whether William Tiffany, the counsel for contestant, was present there when you was so sworn?

(Objected to as before. Notaries differ as before. Coon for exclusion.)

A. He was.

6793. Q. Will you state whether the office of William Tiffany, where you was so sworn, was in the same building on the same floor, and opening off from the same hall with the office of John J. Lamoree?

(Objected to as before. Notaries differ.)

A. It was, or is.

6794. Q. Will you state whether counsel for the contestant first offered you as a witness before Notary Green, in the office of John J. Lamoree, on the morning of April 24, 1879?—A. He did.

6795. Q. State whether the Hon. John C. Churchill, as counsel for contestee, objected to your there being sworn on the ground that the taking of your testimony had been noticed before Notary Van Auken, at the office of William Tiffany, and not before Notary W. W. Green, at the office of John J. Lamoree?—A. He did.

6796. Q. Will you state whether William Tiffany, counsel for contestant, then and there notified said John C. Churchill or stated to him that he should have you sworn as a witness in this contest, in the office of William Tiffany before Notary Green, Notary Van Auken being absent?

(Objected to as before, and further, as only being a repetition of the record to no purpose. Notaries differ.)

A. He did.

Adjourned to 2 o'clock p. m.

Direct examination resumed by WILLIAM TIFFANY, esq., counsel for contestant:

6767. Q. When you had given a ticket for Duffy for member of Congress to the man you have spoken of at the eighth ward poll, on the day of the last fall's election, and William Durie took it away from you as

you have stated, state whether Durie took hold of the man, and if so, how he took hold of him and what he did with him?

(Objected to for all the reasons above stated, and for the further reason that in the early moments of taking testimony on the part of contestant in February last, contestant gave notice that he should examine William Durie as a witness in behalf of contestant before W. W. Green, esq., notary public; that said William Durie appeared as a witness and was in attendance several days, at the instance of contestant, who then failed to call him.)

A. He took him by the sleeve and led him away from the crowd, past the polls. That's the last I saw of him. I then went to folding tickets.

6798. Q. State whether you watched him until he led him away out of hearing of other people.—A. I didn't watch him no further than that.

6799. Q. Did he take him out of your hearing?—A. Yes, sir.

6800. Q. How long did he keep hold of his sleeve?

(Objected to for all the same reasons. Notaries differ.)

A. I could not say.

6801. Q. Did Durie continue to talk to him until he went out of your hearing?—A. I never heard him say anything after that.

6802. Q. Was Durie apparently talking to him in a low tone until he got out of your hearing?

(Same objection. Same difference.)

A. Well, I couldn't say.

Cross-examination by JOHN J. LAMOREE, counsel for contestee:

6803. Q. Where do you live?—A. Fulton, Oswego County.

6804. Q. Who with?—A. I suppose I live with my family.

6805. Q. Don't you know whether you do or not?—A. I do live with my family.

6806. Q. How much of a family?—A. Wife and five children.

6807. Q. How long have you been living with your wife?—A. Ever since I was married to her.

6808. Q. Are you married to her?—A. I don't think it's a very proper question for a man to ask. I wouldn't be living with her if I wasn't married to her.

6809. Q. You lived in Fulton how long?—A. Since the 9th day of last December.

6810. Q. What is your business?—A. Manufacturing files and recutting files.

6811. Q. For whom did you work when you were in Oswego?—A. For myself.

6812. Q. What is your politics?—A. I am a Greenbacker, and I ain't ashamed of it, neither.

6813. Q. How long have you been a Greenbacker?—A. Two years.

6814. Q. Did you take any part in the campaign last fall? And, if so, what?—A. Yes, sir; I did a little singing.

6815. Q. Singing at Greenback meetings, you mean?—A. Yes, sir.

6816. Q. Did you sing in any meetings where Mr. Duffy spoke?—A. I did, sir.

6817. Q. At how many Greenback meetings did you sing where Mr. Duffy spoke?—A. About four, I think it was—where Duffy spoke.

6818. Q. Name the places.—A. Scriba Centre, Hannibal, Oswego Falls, Fulton.

6819. Q. Did you have any one else to sing with you?—A. Yes, sir.

6820. Q. Who?—A. George Allen and John Farrell.

6821. Q. Were they Greenbackers?—A. They voted the Greenback ticket.

6822. Q. How came you to go and sing at the Greenback meeting?  
(Objected to as not the proper subject of cross-examination of this witness, he not having been asked anything on this subject. Notaries differ. Coon for admission.)

A. I was crippled, and couldn't do nothing else for a living.

6823. Q. Were your two associates also crippled?—A. No, sir.

6824. Q. Who spoke with Mr. Duffy at those meetings, if any one?—  
A. Mr. W. W. Green, the present notary, for one; Mr. Onderkirk, editor of the Greenback organ in this city; Mr. John W. Shea, the Greenback candidate for district attorney.

6825. Q. Did they advocate Mr. Shea's election for district attorney or ask the people to vote the Greenback ticket?—A. They didn't make any such assertions, sir.

6826. Q. How many of these speakers were on the Greenback ticket at that time as candidates?—A. Four.

6827. Q. Then all four of those speakers were at that time running for an office on the Greenback ticket?—A. Yes, sir.

6828. Q. And you say they did not advocate the claims of the Greenback party?—A. I said the candidates, not the platform.

6829. Q. Well, did they advocate the principles contained in the Greenback platform?

(Objected to as immaterial, incompetent on this cross-examination, and only intended to consume the remnant of contestant's time; notaries differ.)

A. Yes, sir; they did as much as they could of it.

6830. Q. What do you mean by "as much as they could of it"?—A. There was so much of it they couldn't advocate the whole of it in the time they had.

6831. Q. You mean to say they did the best they could for the time they had?—A. Yes, sir.

6832. Q. You may state if these meetings were well attended?—A. There wasn't standing room for anybody.

6833. Q. Were they before or after Mr. Duffy had been indorsed by the Democrats?—A. Yes, sir; before Duffy was indorsed.

6834. Q. Did Mr. Duffy, Mr. Shea, Mr. Onderkirk and Mr. Green distribute any Greenback documents at those meetings?—A. No, sir; nary a document.

6835. Q. What was it that those speakers proposed to do, and what was the purpose of their meetings?

(Objected to as irrelevant and immaterial, except as to Mr. Duffy; not a proper subject of cross-examination as to him; notaries differ.)

A. I suppose it was to arouse the Greenback feeling of the county, and to bring about better times.

6836. Q. Bring about better times, how and in what manner?

(Objected to same as last question. Same difference of notaries.)

A. By a change in the government, if they could, and a change against the money kings.

6837. Q. And who did they call the money kings?—A. Mr. Sherman and his associates, the national bankers and bondholders. I meant to put the bondholders first.

6838. What did Duffy propose to do with the bondholders?—A. I never heard him say.

6839. Q. Then, how did you know he was opposed to the bondholders?—A. By outside talk with him.

6840. Q. Then, what did he tell you about the bondholders?

(Counsel for contestant protests and objects against this course of

examination as not being legitimate cross-examination, and only intended to consume time. Notaries differ as before.)

A. He told me that it was a big curse to the country, and a robbery of every poor man who had to work for a living; I mean by "it" the policy in reference to the bonds.

6841. Q. How did he propose to make it any better or to remedy the evil?

(Objected to as before. Notaries differ; Coon for admission.)

A. By issuing a paper money based upon the credit of the government, and calling in all these bonds, and paying them with legal tenders, the same as I got in the army. He thought what was good enough for the soldiers was good enough for the bondholders.

6842. Q. But how did he claim that it was going to relieve the country if so many greenbacks were issued and the bonds all called in? How could that do any good?

(Objected to same as before. Same difference of notaries.)

A. I am not competent to answer that question.

(Contestee's counsel read the first and second planks in the Greenback platform and the preamble preceding the same, as adopted July 24, 1878, at Syracuse.)

6843. Q. Do you recognize those principles as the principles set forth in the Greenback platform, and contended for by Duffy, Green, Shea, and Onderkirk, and sung for by yourself at those meetings?

(Objected to as irrelevant and immaterial, and not a proper subject of cross-examination. Notaries differ.)

A. Yes, sir; four times; yes.

6844. Q. Did you also, at these meetings, oppose the importation of servile Chinese labor into this country to come in competition with the honest labor of this country?—A. Don't remember that question being discussed.

6845. Q. Who did you understand Mr. Duffy, Mr. Shea, Mr. Green, Mr. Onderkirk, and their glee club to favor for the office of sheriff?—A. I suppose their own nominee, Mr. Van Buren, and the whole Greenback ticket.

6846. Q. Was Mr. Van Buren present at any of those meetings?—A. He was.

6847. Q. Did he occupy a seat upon the platform?—A. He did not.

6848. Q. Did you discover whether Mr. Duffy's speeches were received with favor or disfavor among the Greenbackers?

(Objected to as before. Notaries differ as before.)

A. Always with favor.

6849. Q. Did the Greenbackers often applaud him in the course of his remarks?—A. Yes, sir; and sung for him, too.

6850. Q. How did the old-line Democrats and Republicans seem to like those demonstrations?—A. Some of the Republicans didn't like it very well; but those that were Greenback Republicans did like them.

6851. Q. How was it with the hard-money Democrats?—A. Where they could get a hole to slink away into, they generally slunk out of sight. They would slink back into the dark to talk with Republicans.

6852. Q. I take it, then, they didn't like Duffy's excoriations?—A. These hardshells didn't.

6853. Q. And they even fight him to this day, do they not?—A. That I couldn't answer. I ain't as well posted now.

6854. Q. Did you notice a similar feeling wherever you went around the county in regard to their receiving Duffy's remarks with favor, and opposition by Republicans and hard-money Democrats?—A. At most



places he was always received with favor by all of them; but in some places there was a few that didn't like him; very few and very slim, though.

6855. Q. Did you make any effort to find out how many there were of them that were opposed?—A. No; I did not.

6856. Q. Did you ever hear any one say how many were opposed?—A. Not but very few say they were opposed.

6857. Q. But you don't pretend that all the hard-money Democrats who slunk away or had the effrontery to occupy the front seats at those meetings came and told you how they felt, do you?—A. Well, you couldn't find any one on the front seats. They would generally slink back in the rear.

6858. Q. Did you ever follow any other business than the file business?—A. Yes, sir.

6859. Q. What business did you follow?—A. Making those mowing-machine knives at Sweet, Barnes & Co., Syracuse; and no other business.

6860. Q. Did Mr. Duffy seem to favor the national banks?—A. He did not.

6861. Q. Did he go for doing away with them?—A. I never heard him make the remark.

6862. Q. Did you not hear him advocate this, the third plank in the Greenback platform, "We demand the repeal of the national-bank act, the immediate withdrawal from circulation of national-bank notes, and the substitution therefor of absolute paper money"?—A. No, sir; I never did. He might have read the platform, but I didn't hear him make any remarks upon it.

6863. Q. Did any of the speakers at those meetings oppose the national-bank system?—A. Yes, sir.

6864. Q. Who took that branch of the discussion?—A. Mr. Underkirk; no one else; they had more sense.

6865. Q. Did Mr. Duffy discuss any other branch of the platform, as you now remember, except those contained in the first and second planks which I read to you?—A. Not to my knowledge.

6866. Q. Did he state, in your presence at any time, what it was that caused him to leave the old parties and become a Greenbacker?—A. I never heard him say; I don't remember of hearing him say that.

6867. Q. You don't mean to say that he never said that in his speeches?—A. Not in my hearing.

6868. Q. Will you swear positively that he didn't say it in his speech in Hannibal?—A. Yes, I will; solid too, sir.

6869. Q. Then you don't know to this day why he left the old party and went into the Greenback party?—A. I don't know anything about it.

6870. Q. Who was with you at the time of your first conversation with Donahue at the Doolittle House?—A. Mr. George Allen.

6871. Q. Where is he now?—A. In Oswego.

6872. Q. Do you know why he has not been called in this case?—A. I don't know.

6873. Q. Were you pretty intimate with Donahue at that time?—A. I never kept his company further than speaking with him in the streets; I was not.

6874. Q. Then you are not an intimate friend of his, you say; how can you account for his great familiarity in telling you he had got Mason's money and showing it to you?—A. He was like all the rest of the politicians; he was running around to make friends where he could.

6875. Q. Is that all the answer you can give to that question?—A. I

don't know; as far as this question is concerned I can't say anything more about it.

6876. Q. Did you give all the conversation in your direct examination?—A. I did as to the money affair.

6877. Q. Did you give all that was said in that conversation on political subjects?—A. Yes; at that time.

6878. Q. Then you never spoke, did you, in reply to anything he said?—A. No, sir; I didn't.

6879. Q. And Allen didn't speak on political subjects?—A. He merely passed the time of day; that's all he did.

6880. Q. To whom did you first tell this?—A. To nobody.

6881. Do you know how it got out?—A. I can't account for it.

6882. Q. But you was actively and earnestly in the interest of Mr. Duffy, and worked for him at the polls?—A. Not for him; I worked for the Greenback ticket.

6883. You say that Donahue had been an earnest Greenbacker up to that time?—A. That was what he professed to be.

6884. Q. Had you any doubt of it?—A. Well, some doubt.

6885. Q. When did you first begin to think or fear as to his position touching his support of the Greenback party?—A. About a week before election.

6886. Q. Did he express any hostility to Mr. Duffy the night before election?—A. He did.

6887. Q. And in the presence of Allen?—A. He did.

6888. Q. What did you give this morning as to that conversation which you regarded as hostile to Duffy?—A. Speaking in regard to the money.

6889. What did he say about it?—A. He said he couldn't get any money out of Mr. Duffy, and he pulled out a small lot of bills out of his pocket and said, "That was Mason's money"; and that was all that passed between us there.

6890. Q. How did you know but what that arose from money arising from the mason trade?—A. He never was a mason; never worked at any mason trade.

6891. Q. But you have stated that you never knew him until last spring, have you not?—A. Never until last spring, 1878.

6892. Q. His father works extensively in tending mason and working at the mason trade, does he not?—A. I don't know anything about his family.

6893. Q. Who first came to see you about this matter, or with whom did you first talk, about Donahue's testimony?—A. I talked with nobody about it until yesterday.

6894. Q. Who came to see you about it yesterday?—A. I don't know who it was.

6895. Q. When did you come to the city?—A. I came this morning.

6896. Q. Who did you first meet connected with this case and where?—A. Mr. Tiffany; in the Arcade Block.

6897. Q. Did you go to his office with him?—A. I did.

6898. Q. At whose request?—A. I followed Mr. Tiffany in.

6899. Q. Who was in the office with you beside Mr. Tiffany?—A. I can't name the man; an old man with glasses; several more came in; strangers to me.

6900. Q. Did you talk with Mr. Tiffany or he with you on this subject?—A. I talked with him a little while.

6901. Q. Did he not pay you money in the back office?—A. He paid my fare to come up on the cars; that's all.

6902. Q. Did he not pay you the sum of ten dollars ?—A. No, sir.

6903. Q. What time in the evening was the conversation with Donahue ?—A. Well, between half past six and seven o'clock.

6904. Q. Was it before or after dark ?—A. About dark ; gas was lit.

6905. Q. Did you see Duffy there ?—A. I did, sir.

6906. Q. Did you go up to his room ?—A. I did not.

6907. Q. Did you talk with Duffy ?—A. I did.

6908. Q. Before or after you talked with Donahue ?—A. After.

6909. Q. What did you talk with him about—was the subject political or what ?—A. It was in regard to the meeting to be held that night.

6910. Q. Duffy was expecting to hold a Greenback meeting here that night ?—A. Yes, sir.

6911. Q. That meeting failed, as you understand ?—A. It did.

6912. Q. Why didn't you tell Duffy those strange things you had learned from Donahue ?—A. I didn't consider it my business.

6913. Q. Did you see Donahue at the polls on election day ; and, if so, in what ward ?—A. I never saw him ; and never left my own polls.

6914. Q. Can you say that he did not vote for Mr. Duffy ?—A. Don't know anything about it.

6915. Q. Then you are not very true to the interests of the Greenback party yourself, or to the interests of Mr. Duffy, or you would have disclosed to Mr. Duffy or to his friends what you had learned from Donahue ?—A. I did not consider it any of my business.

6916. Q. But didn't you regard that the good of your country depended upon the success of the Greenback ticket ?—A. I did all that I could for the Greenback cause, and was willing to do a great deal more.

6917. Q. With that patriotic spirit to inspire you to action, why didn't you put Mr. Duffy and his friends in pursuit of Donahue and Mason's money, as you understood it ?—A. Because I considered his influence didn't amount to anything ; and, if the other party could afford to buy him up with a little money like that, I thought it was about time to close up books.

6918. Q. You still think that Donahue is not worth talking about, do you ?—A. Yes, sir.

6919. Q. And you don't believe he could effect anything politically ?—A. No, sir.

6920. Q. But didn't you regard the fact of Mr. Mason's using money of very grave importance ?—A. I did at the time.

6921. Q. Then why didn't you tell somebody what you had learned ?—A. I did not regard it my business.

6922. Q. But didn't you fear that the use of that money would imperil Mr. Duffy's success ?—A. I didn't.

6923. Q. When you heard that this contest had arisen and that Mr. Duffy was about to redress his grievances on the ground that money had been used, why didn't you inform Mr. Duffy or some of his friends as to what you knew ?—A. Well, sir, I was in a bigger business than that entirely.

6924. Q. Then you regard this contest as not being a very big business, do you not ?—A. It is for some. It isn't for me.

6925. Q. How large is your business ?—A. Three men working besides myself, night and day.

6926. Q. Are you one of the proprietors ?—A. Yes, sir, and the head of it.

6927. Q. Who was present at the second conversation with Donahue ; where did it take place, and state all that was said on the subject ?—A. Well, sir, there was no one with me. I met him on the Palladium office

steps, soon after the polls closed; might have been 7 o'clock, on the night of the day after the election. Well, he says "I guess we have got you," and I said "Got who?" He said "Mason; the man I worked for." That was all.

6928. Q. Is that the language itself?—A. That is it, as well as I can remember it.

6929. Q. Is that the language itself?—A. Yes, sir; that's the language itself.

6930. Q. Now, sir, didn't he say, "We have elected Mason"?—A. No, sir. No "elect" in it at all.

6931. Q. And what did you want to put the word "elect" in this morning for?—A. I don't think I did.

6932. Q. To whom did you first tell that conversation?—A. I told it here to you this morning.

6933. Q. Why didn't you tell it before to some one?—A. Because I never was asked for it before. If I had, I should have answered it.

6934. Q. But why didn't you take interest enough in the contest to advise Mr. Duffy in person, or by postal, or by letter?—A. I told you before I was in bigger business.

6935. Q. Why didn't you expostulate with Donahue for the course he was taking, in the abandonment of Mr. Duffy, and tell him it was wrong, in your judgment, and try to set him right?—A. Because I knew I could make no impression upon him. He would listen to nothing, and I was seeking better company.

6936. Q. Isn't it the fact that Donahue was seeking better company?—A. I will leave that for the record.

6937. Q. You never knew what Dury's politics were during the summer and fall of 1878?—A. No, sir.

6938. Q. He had always been a Republican, had he not?—A. I was told before he became a Greenbacker he was a Republican.

6939. Q. Who was this man that he took by the sleeve?—A. I don't know him.

6940. Q. Didn't you work at the polls all day, and button-hole men, or talk with them, and try to persuade them to vote your ticket?—A. I didn't work all day. I didn't button-hole nobody. I talked with them and tried to get them to vote my ticket.

6941. Q. How many did you try to persuade to vote your ticket, in your judgment?—A. Not more than half a dozen.

6942. Q. Did you know that Dury used any corrupt influences at the eighth ward polls on election day?—A. Nothing more than I have said.

Redirect examination of JOHN NEWTON by WILLIAM TIFFANY, counsel for contestant:

6943. Q. Did you hear Mr. Duffy, or the speakers who were with him, say anything condemning the policy of the Republican party, except so far as it related to the money question and the financial policy of Congress and the Government during the last 15 years?—A. I never did.

6944. Q. Did you not understand that all or nearly all of the hard-money Democrats, those you have referred to by that name, at the last fall's election, voted all or nearly all of them the Republican ticket at the last fall's election?—A. I understand that they did.

6945. Q. Did you not understand at the time of the conversation between you and Donahue at the Doolittle House that it was so well understood among the Greenback leaders, that Judge Mason was using money whenever he could to advantage that it was not necessary for you to mention to Mr. Duffy or any one else?

(Objected to as immaterial, incompetent, no part of rebuttal; opens a new subject which requires a lengthy cross-examination.)

JOHN NEWTON.

Sworn to and subscribed April 24, 1879, to before us.

WILLIAM W. GREEN,  
*Notary Public.*

S. W. COON,  
*Notary Public.*

*Deposition of Alonzo Carson.*

6946. Question. What is your name, age, occupation and place of residence?—Answer. Name, Alonzo Carson; age, thirty-eight years; occupation, engineer; residence, 134 West Seventh street, city of Oswego.

6947. Q. Do you know Frederick Shelmerdine?—A. I know him by sight.

6948. Q. Were you present while his testimony was being given on his cross-examination by the counsel for the contestant before Notary Chester O. Case and D. J. Van Auken, in this proceeding, in the Arcade block, in the city of Oswego, some three or four weeks, more or less since?—A. Yes, sir; I heard a part of it.

6949. Q. Are you the person to whom his attention was called in that examination as having heard him say a few days before that he had never seen Alexander Lamon drunk, and other conversation on that point?—A. Yes, sir; I am the person.

6950. Q. Did you see Frederick Shelmerdine in the city hall in Oswego a few days before that examination and hear him converse there on the subject matter of having seen Lamon drunk, or when he thought he had been drinking, and upon the subject matter of having been requested to swear whether he had seen Lamon drunk?—A. Yes, sir; I saw him in the city hall and heard him talk on that question.

6951. Q. Can you state the day on which that conversation occurred, as near as you can?—A. It was the Thursday or Friday previous to the day I was present at the examination and heard him swear.

6952. Q. Will you state, at that time whether you recognized the day referred to by contestant's counsel in asking the witness, Shelmerdine, about the conversation, as the day on which it occurred?—A. Yes, sir; I recognized the day at that time.

6953. Q. Will you state what Shelmerdine said to you in that conversation?—A. He said they wanted him to swear that Aleck Lamon was discharged for being drunk at the factory. He said he couldn't swear to any such thing. He said he had known Lamon a long time and never saw him drunk in his life. That was all I remember.

6954. Q. Did he say there, or after he left there, on the sidewalk, that he never saw Alexander Lamon when he thought he had been drinking, or words to that effect?—A. No, sir; I don't remember hearing him say anything of that kind.

6955. Q. Did you and he come away from there together?—A. No, sir; he went away first; I staid there.

6956. Q. What room in the city hall did this conversation occur in?—A. I think it was in the collector's office.

6957. Q. Was there anybody else present?—A. Charles G. Shepherd was there.

6958. Q. Do you know whether he heard the conversation?—A. Yes, sir; I think he did.

Cross-examination of the above witness by the Hon. J. C. CHURCHILL, counsel for contestee :

6959. Q. Did you have any conversation with Shelmerdine on that occasion ?—A. Yes, sir.

6960. Q. Had you had any previous acquaintance with him ?—A. No, sir.

6961. Q. Who spoke first at the city hall he to you ; or you to him ?—A. He spoke first.

6962. Q. What did he say ?—A. He said he was there trying to find out what year he cast his first vote.

6963. Q. To whom did he say that ?—A. He said it to me.

6964. Q. Which spoke next ?—A. He said he couldn't remember what year he cast his first vote, and he thought there were books there which would tell.

6965. Q. Give the rest of the conversation.—A. He said it was at the charter election he cast his first vote. I told him if he could recollect any of the candidates elected that spring I could tell from the city charter, and I got the city charter and read over. I named over the several candidates, but he couldn't tell by that ; he couldn't remember. He said he would see Shepard ; then Shepherd had gone out and would wait till he come in. Shepherd come back and he went to look over some books, but he couldn't give him any information either. I don't remember any more now.

6966. Q. To whom was this remark addressed in regard to Mr. Lamont, to you or to Shepard ?—A. To both of us.

6967. Q. You understood, did you not, that Mr. Shelmerdine had already been sworn and partially examined in this case ?—A. No, sir ; that's the first I heard or saw of it at the city hall.

6968. Q. What are you an engineer of ?—A. These stationary engines ; I followed that off and on for different parties in Oswego for the last twenty years.

6969. Q. When you say that you are an engineer, you mean that you run a steam engine ?—A. Yes, sir.

6970. Q. How much of the time have you been so employed for the last twelve months ?—A. About two weeks, I think ; and that lately.

6971. Q. Are you now so employed ?—A. No, sir ; we got through with the work we were at with the machine.

6972. Q. Have you ever been arrested ?—A. Yes, sir ; and served a long period in jail, too ; and that was for some military fines after coming home from the Army. I thought I had been soldier long enough, and refused to serve and they court-martialed me. I was in one night. That was the only time in my life.

**Redirect examination by contestant's counsel :**

6973. Q. Is the long term you referred to the one night in jail ?—A. It is, sir.

6974. Q. What was charged against you on that occasion ?—A. I was notified from two different companies here in town to do duty here. I had been drafted into one, and belonged to the other before I went into the Army. Well, I thought I couldn't very well serve in both and thought I wouldn't have anything to do with either.

6974. Q. Who arrested you ?—A. Sheriff Tucker.

6975. Q. What time in the day did he arrest you ?—A. Late in the afternoon.

6976. Did he take you directly to the jail ?—A. He told me I had to pay the fine and not have the name of going to the jail. I asked him

what it was, and he said it was \$3.50; and I thought I would rather have the name of going to the jail than to pay that.

6978. Q. Did you pay the fine afterwards?—A. No, sir; my father went over the next morning and paid \$ , and I was discharged.

6979. Q. How many years ago was that?—A. I think it was in 1866 or 1867, or somewhere along that.

Recross-examination of witness by the Hon. J. C. CHURCHILL, counsel for contestee.

6980. Q. You had trouble with and was divorced from your first wife, was you not?—A. I was; and I was the complainant, and obtained a decree of divorce in Oswego.

6981. Q. You also had trouble with and have been living apart from your second wife, have you not?—A. Yes, sir.

6982. Q. And how long have you been living apart from your second wife?—A. I can't say, but it wasn't as long as ten years.

6983. Q. You also had trouble with and was shot at by your brother, was you not?—A. I had no trouble, but was shot at by my brother.

Redirect examination by contestant's counsel.

6984. Q. Who was your counsel in your proceedings against your wife for a divorce?—A. Churchill and Nutting.

6985. Q. Did you confer with the Hon. John C. Churchill in regard to that proceeding?—A. Yes, sir; stated my case to them both.

6986. Q. Did Mr. Churchill advise you that you had a good cause for divorce?—A. No, sir; it was Mr. Nutting advised me to that.

6987. Q. Did Mr. Churchill refer you to Mr. Nutting about it?—A. Well, sir, Mr. Churchill was about the office and talked in regard to it.

6988. Q. You prosecuted that suit for divorce under the advice of Churchill and Nutting, did you?—A. Yes, sir.

6989. Q. When did you commence living apart from your second wife?—A. About five years ago.

6990. Q. Did you consult with the Hon. John C. Churchill on that occasion?—A. Yes, sir.

6991. Q. Did you fully and fairly state to him your case and the grounds you had for leaving your second wife?—A. Yes, sir.

6992. Q. And what advice did he give you as to whether you ought to live with her or not?

(Objected to as immaterial and irrelevant. Notaries differ.)

A. He told me to get a cartman, a good big man, to move my things away from where my wife was living. I told him the door might be locked when I got back.

6993. Q. What advice did he give you about your right to leave your wife?—A. I don't know as he gave me any advice as to my right to leave her. I wanted to move and she wouldn't move; and would not let me have the things to take away.

6994. Q. Well, did you pursue Mr. Churchill's advice upon that subject?—A. Yes, sir.

6995. Q. And your wife refused to go with you?—A. Yes, sir; but I told her if I supported her she would have to go where I went. I took the things and moved, and she never came to live with me again.

ALONZO CARSON.

Sworn to and subscribed before us April 25, 1879.

WILLIAM W. GREEN,  
*Notary Public.*

S. M. COON,  
*Notary Public.*

UNITED STATES OF AMERICA,

*State of New York, County of Oswego, Village of Pulaski :*

To Joseph Mason, esq., Andrew Z. McCarty, his attorney, authorized to take testimony and examine witnesses for contestee in his behalf:

Please take notice that under the provisions of chapter 8, title 2, section 108 of the Revised Statutes of the United States of America, the undersigned, Sebastian Duffy, contestant, will proceed to take depositions of the following-named persons in rebuttal, all residing in the village of Pulaski, viz: George W. Woods, William F. Purdy, Burt Jones, Joseph Clark, jr., James Grady, Charles Clark, John Vaugn. And that such depositions will be so taken at the office of D. A. & C. B. King, in said village of Pulaski, before Charles B. King, esq., a notary public, residing in said village of Pulaski, on the 18th day of April, 1879, at 9 o'clock a. m., and that the taking of such depositions will continue at the same place and time of day in each day (Sundays excepted) until the same shall have been all taken on the part of the contestant.

SEBASTIAN DUFFY,

By D. A. KING, *Attorney.*

STATE OF NEW YORK,

*County of Oswego, ss :*

Sebastian Duffy, being duly sworn, on oath deposes and says that he resides at Pulaski, in said county; that on the 12th day of April, 1879, he served on Hon. Andrew Z. McCarty, at his residence in Pulaski, New York, a notice of which the annexed is a true copy, by delivering the same to him personally and leaving the same with him. And this deponent further says that the said Andrew Z. McCarty was at the time of such service the acting attorney in the examination of witnesses on behalf of Joseph Mason, contestee, in the said village of Pulaski.

SEBASTIAN DUFFY.

Sworn before me this 18th April, 1879.

CHARLES B. KING,  
*Notary Public.*

UNITED STATES OF AMERICA,

*State of New York, County of Oswego, Village of Pulaski :*

To Joseph Mason, esq., and Andrew Z. McCarty, esq., his attorney authorized to take testimony and examine witnesses for contestee in his behalf:

Please take notice that under the provisions of chap. 8, title 2, § 108 of the Revised Statutes of the United States of America, the undersigned, Sebastian Duffy, contestant, will proceed to take depositions of the following-named persons in rebuttal, all residing in the village of Pulaski, in said county: James A. Clark, Sebastian Duffy, Gilbert A. Woods, James W. Fenton, James Douglas, Charles A. Clark, Herbert Jones, John W. Shea, Samuel A. Palmer, Robert L. Ingersoll, and that such depositions will be taken at the office of D. A. and C. B. King, in said village of Pulaski, on the 19th day of April, 1879, at 9 o'clock a. m., and that the taking of such depositions which will continue at the same place and time of day in each day (Sundays excepted), until the same shall all have been taken on the part of the contestant.

Dated April 14, 1879.

SEBASTIAN DUFFY.

STATE OF NEW YORK,

*County of Oswego, ss :*

DON A. KING, being duly sworn, on oath deposes and says that he resides at Pulaski, in said county; that on the 14th day of April, 1879,



he served on Hon. Andrew Z. McCarty, at his residence in Pulaski, N. Y., a notice of which the foregoing is a true copy, by delivering the same to him personally, and leaving the same with him, and this deponent further says that the said Andrew Z. McCarty was at the time of such service the acting attorney in the examination of witnesses on behalf of Joseph Mason, contestee, in the said village of Pulaski.

D. A. KING.

Sworn before me this 19th day of April, 1879.

CHARLES B. KING,  
*Notary Public.*

UNITED STATES OF AMERICA,  
*State of New York, County of Oswego :*

To Joseph Mason and John J. Lamoree, his attorney :

Please take notice that under the provisions of chap. 8, Title 2, § 108 of the Revised Statutes of the United States of America, the undersigned Sebastian Duffy, contestant, will proceed to take depositions of the following-named persons in rebuttal, all of whom reside in the village of Pulaski, county of Oswego and State of New York, unless otherwise indicated: George H. Goodwin, George F. Woodbury, James Hydom, Porter Price, William June, William Hall, Isaac Douglass, Dr. Edward F. Kelly, Thomas R. Ingersoll, Eliphalet Calkins, Russel Calkins, Walter Ames, George Filkins, Sylvanus C. Huntington, Charles H. Cross, Anson R. Jones, N. B. Smith, W. P. Outterson, Edwin H. Minot, James Cassidy, Albert N. Beadle, Ira Doane, George Doane, Rev. M. B. Comfort, Hon. Andrew S. Warner, James Fleming, Andrew S. Coey, Noble Hazzard; and that such depositions will be so taken at the office of D. A. and C. B. King, in the village of Pulaski, before Charles B. King, a notary public, residing in said village, on the 23d day of April, 1879, at the hour of 9 o'clock in the forenoon of that day, and that the taking of such depositions will be continued from day to day in said village at the same place and same hour of the day until the same shall have been all taken on the part of the contestant.

Yours, &c.,

SEBASTIAN DUFFY.

Dated April 17, 1879.

STATE OF NEW YORK,  
*County of Oswego, ss :*

DON A. KING, being duly sworn, on oath deposes and says that he resides at Pulaski, in said county; that on the 17th day of April, 1879, he served on John J. Lamoree, at Pulaski, New York, a notice, a true copy of which is hereto annexed, by delivering the same to him personally, and leaving the same with him, and this deponent further says that the said John J. Lamoree was at the time of such service the acting attorney in the examination of witnesses on behalf of Joseph Mason, contestee, in the said village of Pulaski.

D. A. KING.

Sworn before me this 19th day of April, 1879.

CHARLES B. KING,  
*Notary Public.*

*Certificate.*

In pursuance to the notice heretofore served, the parties assembled at the time and place designated in the notice, a copy of which is hereto annexed, the said contestant personally and by D. A. King, his counsel,

and the said contestee by J. J. Lamoree, as his attorney; and George W. Wood was called as a witness on the part of the contestant. Objection was then made by contestee's counsel upon the ground that no sufficient notice of the taking of depositions at this time and place has been made; that counsel was advised yesterday, upon inquiring of contestant, that he had caused a notice herein to be served upon Hon. A. Z. McCarty, who is now lying dangerously ill in this village, to the effect that depositions would be taken this day; that contestee's counsel insists that such service was unwarranted under the statute. It does not appear that Mr. McCarty's relation to the case was such as to warrant the service upon him; that contestee's answer expressly provides and designates the person upon whom such notice may be served in the county of Oswego; and contestee objects to the taking of depositions at this time, and demands proof of the service of notice, if any has been made, and the production of the notice, that it may be filed with the notaries, together with such proof of service.

And the counsel for the contestant says that on the 12th of April instant the contestee, in pursuance of a notice theretofore served, proceeded to take testimony upon the part of the contestee, before John T. McCarty, esq., a notary, designated and appointed by himself, and Charles B. King, a notary appointed and designated by the contestant, and proceeded with such testimony from day to day until and including the 17th instant; that on the said 12th day of April the contestee appeared before said notaries, by Hon. Andrew Z. McCarty, as his attorney, authorized by him to take testimony, and the said Andrew Z. McCarty acted as such attorney, through the day of the 12th of April, and did examine witnesses on the part of the contestee; that on the evening of that day, relying upon the fact that said Hon. Andrew Z. McCarty was authorized to do what he assumed to do, viz, to appear and act as attorney for the contestee and examine witnesses, the contestant served upon the said McCarty a notice of intention by the contestant to examine witnesses at this time and place, of which a copy is hereto annexed; that the said Charles B. King is the present notary appointed by the contestant, and John T. McCarty, the notary appointed on the part of the contestee, is also present; and further, that the Hon. Andrew Z. McCarty informed the counsel for the contestant on the 14th day of April instant that he had forwarded the said notice so served upon him to J. J. Lamoree immediately after the said notice was served upon him.

*Deposition of George W. Woods.*

GEORGE W. WOODS, being called and sworn as a witness on the part of the contestant, testified:

1. Question. What is your name, age, residence, and occupation?—Answer. My name is George W. Woods. My age, fifty-four. My residence, Pulaski. My occupation, a farmer.

2. Q. How long have you resided in Pulaski?—A. I have lived here about fourteen years. I was born here and have lived here most of my life. Previous to fourteen years ago I was absent from Pulaski seven or eight years.

3. Q. Are you acquainted with Mr. Duffy, the candidate for Congress voted for at the late election?—A. Yes.

4. Q. How long have you been acquainted with him?—A. Ten or eleven years.

5. Q. What has been his occupation during that time?—A. Principal of the Pulaski Academy.

6. Q. Have you been a member of the board of education of the village of Pulaski?—A. Yes, sir.

7. Q. How long?—A. Nine years.

8. Q. Is the Pulaski Academy under the control and direction of the board of education of the village of Pulaski?—A. Yes, sir.

9. Q. Was Mr. Duffy employed as the principal of that institution at about the time you became a member of that board?—A. No, sir.

10. Q. Was it before or after?—A. I was a member of the board before.

11. Q. And you was such member at the time he was employed?—A. Yes, sir.

12. Q. Do you remember in what year that was? If so, state.—A. I should think it was in 1869.

13. Q. For how long a time are the members of that board respectively elected, and how many elected in each year?—A. They are elected for a term of three years, and there are three elected each year.

14. Q. How are they elected?—A. By a popular vote of the electors of the corporation of the village of Pulaski.

15. Q. What was the length of time of the employment of Mr. Duffy the first time of his employment?—A. One year, I think.

16. Q. Was he again employed for a subsequent term by the board; and if so, for what length of time?—A. For five years.

17. Q. Was he again employed by the board; and if so, for how long?—A. Yes, sir; for five years more, and that term has not expired.

18. Q. State whether at these several employments the several members of the board were unanimous in employing him?—A. I think they were.

19. Q. Did you hear the testimony of John Preston and Mr. Hawley, or either of them, in relation to his connection with the literature fund, taken on the part of the contestee a few days since, before Notaries J. T. McCarty and C. B. King?—A. I heard part of it.

20. Q. Did you hear the testimony of Preston in relation to the board of regents sending an agent here or a committee to examine this institution?—A. Yes.

21. Q. Do you recollect the time when a committee of the board of regents did visit this institution?—A. Yes, sir.

22. Q. Did you understand from that committee that it was there upon a tour of visitation to the several academies in this portion or all of the State?—A. Yes, sir.

23. Q. Was the subject of the participation of this academy in the literature fund, the preceding year or years, a subject of consultation while they were here between them and the members of the board?—A. I think it was.

24. Q. Was there talk in reference to this institution having drawn the preceding year a somewhat larger amount than it previously had done?—A. There was some conversation about it.

25. Q. Did that committee leave satisfied with the investigations they had made?

(Objected to, that the witness is not competent to state, and immaterial.)

A. As far as I could understand, the committee went away perfectly satisfied that nothing wrong had been done.

26. Q. Have you heard of any impropriety or wrong in relation to drawing from the regents' fund for any other year besides the year preceding that in which the regents visited this institution?—A. I never heard of any.

27. Q. Will you state what effect the employment of Mr. Duffy seemed to have upon that institution in relation to the number and standing of students attending there, and the general prosperity of the academy in comparison with what it had been in years before?

(Objection as before.)

A. The number of students increased a considerable after Mr. Duffy came here.

28. Q. And since his connection with the school has the institution been prosperous?—A. Yes, sir.

29. Q. Will you state whether this fund apportioned to academies is drawn by the principal or by the board of education?—A. The money comes to the board of education.

30. Q. And the board is required, are they not, to expend it in payment of teachers?—A. Yes, sir.

31. Q. Is there any law or regulation, to your knowledge or belief, that appropriates the specific sum of \$10 to students attending the institution who may have satisfactory certificates of examination at the regents' examination (so called)?—A. No, sir.

32. Q. Do you understand that this sum varies from year to year?—A. Yes.

33. Q. Will you state whether the certificates to students passing the regents' examination are issued by the principal of the academy or by the regents of the university at Albany?—A. They are issued by the regents at Albany.

34. Q. Then they are not issued here and sent to Albany?—A. No, sir. The certificates are issued in Albany and sent here.

35. Q. These regents' examinations are conducted by whom?—A. By a committee appointed by the board of education.

36. Q. Do you know who the committee was that held this examination upon the year or occasion when it is alleged the irregularities occurred in the examinations of students?—A. The Rev. James Douglass, Rev. M. V. Wilson, and Orville A. Forbes, who was then school commissioner.

37. Q. Were these examinations held under the direction, control, and management of this committee?—A. I supposed they was.

38. Q. Now, in reference to this examination, how are the questions required to be answered propounded to the students?—A. The questions are printed, and the answers written out by the students.

39. Q. By whom are the printed questions furnished?—A. By the regents at Albany.

40. Q. To whom are they furnished?—A. I suppose them to be furnished to the committee, and the committee furnish them to the students.

41. Q. Are the answers to these questions taken from the pupils and examined by the committee and then forwarded to the regents?—A. Yes, sir.

42. Q. Are the certificates returned founded on these reports to the regents?—A. If the students pass, they are.

43. Q. Do you understand that these printed questions are not submitted to the teachers at all, but that each student is furnished with a printed copy at the time the examination is commenced?—A. I understand that the teachers have nothing to do with these questions.

44. Q. Did you ever know or hear previous to the examination of this matter now pending, of a person voting against Mr. Duffy, or declining to vote for him, by reason of any connection which he had with such regents' examination or his relations to the literature fund?—A. Nobody

but Republicans. I never heard anybody arguing against him except Republicans on that ground.

45. Q. Do you know whether Mr. Duffy is a tax-payer in this town?—A. Yes, sir; he is.

46. Q. Do you know whether he has been for a series of years?—A. Yes; four or five years; I have seen his name on the assessment roll.

47. Q. Which of the political parties did you support in 1878?—A. The Democratic.

48. Q. Is that the party you have supported for many years?—A. I have always supported it.

49. Q. Are you acquainted with the Democratic sentiment in this and neighboring towns and throughout the county to a great extent?—A. Yes, sir.

50. Q. Were you a member of the Democratic Congressional convention of this Congressional district, held at Oneida in 1878, which nominated Mr. Duffy for member of Congress?—A. Yes, sir.

51. Q. Will you state what the feeling was in that convention in relation to the nomination of Mr. Duffy?

(Objection as immaterial and not rebuttal.)

A. The convention was unanimous in favor of Mr. Duffy and very enthusiastic.

52. Q. Were you present at a political meeting held at the court-house in Pulaski, soon after this nomination, which was addressed by Mr. Duffy?—A. No, sir.

53. Q. Do you recollect of hearing of that meeting?—A. Yes, sir.

54. Q. Do you recollect of ever hearing it claimed that Mr. Duffy there or at any time stated that the financial policy of both the Democratic and Republican parties was a fallacy?—A. I don't remember anything of the kind.

55. Q. Or that there should be two billion of greenbacks issued to relieve the financial distress of the country?—A. I never did, for that or for any other purpose.

56. Q. Did you ever hear it charged or alleged at any time since his nomination and during the political campaign that he charged that the Democratic party was corrupt or that they should be dispossessed of political power?—A. No, sir.

57. Q. Have you talked with Mr. Duffy in relation to his financial views and were you acquainted with them during the campaign?—A. I never talked with him very much. I remember on one occasion he said his views agreed with Judge Thurman's of Ohio on that question; that he was a Thurman Greenbacker.

58. Q. Have you since understood, and do you now understand, that his views upon the financial questions are in accord with the views of Senator Thurman, as stated in his speeches; and do you understand that Democrats generally consider the same?

(Objection as immaterial, incompetent; an attempt to obtain political strength in Democratic circles and before the Committee on Elections by false pretense, and by the same pretenses brought to bear upon the witness to secure his indorsement in the Democratic convention.)

A. I understood Mr. Duffy's views to accord with Senator Thurman's, but I don't understand that all Democrats do.

59. Q. Do Democrats in this district generally understand that such are the views of Mr. Duffy?—A. They do, so far as I know.

60. Q. State what you understand to have been the feeling of Democrats generally in regard to the nomination of Mr. Duffy and his sup-

port.—A. As far as my knowledge went, it was almost unanimous in his favor.

61. Q. As to all questions between Democrats and Republicans, what do you understand Mr. Duffy's position to be?

(Objected to as immaterial and incompetent.)

A. I understand him to be a Democrat.

62. Q. Previous to last fall's campaign, what have you understood Mr. Duffy's political sentiments and action to be?—A. That he had been a Democrat in principle, and that he voted that ticket.

63. Q. You have heard of the starch factory in the city of Oswego, have you not?—A. Yes, sir.

64. Q. Is that an institution well known throughout the country by reputation?—A. Yes, sir; it is.

65. Q. Is it understood that there are a large number of employés engaged in that institution?

(Objection as immaterial; that contestant should be confined to testimony in rebuttal only, as directed by title 2, chap. 8, sec. 106, Revised Statutes of the United States.)

A. Yes, sir.

66. Q. State what the understanding of Democrats usually is in relation to the vote of such employés being required or compelled to be cast in a particular direction.

(Objection as before; and for the further reason that the question now calls for evidence-in-chief; that witness is not shown competent; and further, is weaker than hearsay.)

A. It has been claimed for a number of years that the employés of the Oswego Starch Factory have been required to vote as directed by the proprietors of the starch factory or lose their situations.

67. Q. How is it understood that the vote of the employés of that institution is usually cast?

(Same objection.)

A. In favor of the Republican party.

68. Q. Does this create a feeling of discouragement and tend to dishearten the Democrats in contests which may be closely contested?

(Same objection; and further, that witness is not shown to be an expert or a scientist on the subject of Democratic despond.)

A. I have heard Democrats in the city of Oswego talk discouragingly about the large number of their votes being taken from them, voting against their own politics.

69. Q. Have you heard anything or have you any knowledge in relation to the furnishing of money by the contestee to promote his election in the late political campaign; and, if so, what?

(Objection for all the reasons heretofore stated.)

A. I have heard that there had been money used by Mr. Mason to aid in his election; that he was alarmed from the feeling that was arising against him in his own county; that he came to Oswego to consult his political friends there to see what he could do to save his election or prevent his defeat; that he was there told by his friends that they thought \$1,500 or \$2,000 would save him; that he complied with the request of his advisers or friends there, and the money was put into the hands of the Hon. Elias Root for distribution and corruption. That is all I heard in connection with that.

70. Q. Did you receive this information from a Republican?—A. Yes.

71. Q. Was it a prominent Republican?—A. Yes; he is prominent enough to be high sheriff of Oswego County.

72. Q. Have you heard about money being paid out on election day

in this village in the interests of the Republican party ? And, if so, state what.

(Same objection. Notaries disagree.)

A. I have heard that there was money used here by the Republicans to procure votes.

73. Q. Did you hear any further circumstances ?—A. I did not that I remember.

Cross-examination by Mr. LAMOREE :

74. Q. Who told you that there was any money being used here in the interest of Judge Mason ?—A. I haven't said any such thing as far as this village is concerned.

75. Q. Have you ever heard it charged, and if so, by whom, that money was used in this town in the interest of Judge Mason ?—A. I have heard it so charged ; one of the persons who told me it had been so used was Anson R. Jones.

76. When and where did he tell you ?—A. I think we were in Mr. Meacham's book-store at the time, four or five weeks ago.

77. Q. Is Jones a Democrat ?—A. Yes.

78. Q. Did he tell you he saw money paid or used ?—A. No, sir.

79. Q. Did you inform any one he had said so ?—A. I never told any one in particular.

80. Q. Did you learn from him how much was used ?—A. About \$300 was the amount I heard stated.

81. Q. Did he say who were the parties that used it ?—A. I think it was Mr. Albert A. Maltby and William P. Outtersen.

82. Q. Did he state it as something he knew to be true or something that he did not know to be true ?—A. He didn't state to me how he obtained the information.

83. Q. Do you know that he did not receive his inspiration on that subject from Sebastian Duffy ?—A. I do not.

84. Q. Do you know that Sebastian Duffy did not request Mr. Jones to tell you that cock-and-bull story ?—A. I do not.

85. Q. Did you know of his ever telling it to any one else ?—A. No, sir.

86. Q. Did you ever hear any other person charge that \$300 had been used in the interest of Mason, in this town ?—A. I don't remember any other.

87. Q. Jones and Duffy live in the same village, do they not ?—A. Yes, sir.

88. Q. Did you understand that Mr. Jones supported Mr. Duffy for Congress ?—A. Yes.

89. Q. How do you account for Mr. Jones's reticence on so important a fact until after contestant had closed the evidence on his part ?—A. I don't know of my own knowledge that he has been reticent on that subject, or but that he has told it to one hundred others.

90. Q. So far as you do know he has been reticent ?—A. Yes, sir.

91. Q. How do you account for so important a fact having been withheld from you when you were so zealous and warm in the interest of Mr. Duffy, and Jones and you were alike supporters of that gentleman and residents of the same village ?—A. I can't tell why he withheld it from me, and I don't know but Jones had just received it.

92. Q. And you don't know but he had just received it from Mr. Duffy or some one acting in his interest, and with a view of imparting the fact to you ?—A. I know nothing about how he came in possession of such intelligence.

93. Q. Jones and you attended the Democratic convention and worked for Mr. Duffy's nomination or adoption at Oneida ?—A. Yes, sir.

94. Q. Did you receive any money for expenses, directly or indirectly, from Mr. Duffy, about the time of that convention ?—A. Yes, sir.

95. Q. How much did you receive ?—A. Mr. Duffy paid my expenses to Oneida and back to Pulaski.

96. Q. And did you dine with him at Syracuse ?—A. I guess I did, at the same hotel.

97. Q. And did Mr. Duffy foot the bill ?—A. I think I paid for my own dinner; I am sure.

98. Q. And do you know about the money which Mrs. Duffy, about the time of that convention, carried over to Jones, and he not being in. left with Mrs. Jones for him, the night before the convention ?—A. I never heard of it before.

99. Q. Do you know of Duffy's paying Jones's expenses ?—A. No, sir.

100. Q. Have you never heard Jones say anything about it ?—A. No.

101. Q. What is Jones's business ?—A. A farmer.

102. Q. Do you know of his doing a day's work on his farm last year ?—A. Yes.

103. Q. Jones is accustomed to habits of inebriation, isn't he ?—A. He was formerly, but I believe he has reformed.

104. Q. How long since he reformed ?—A. A year or more.

105. Q. Haven't you known of his drinking since then ?—A. I haven't heard of it.

106. Q. You say Jones owns a farm ?—A. A small one.

107. Q. Isn't he regarded as a very poor man ?—A. He is not wealthy, as I understand it, neither is he a pauper.

108. Q. Jones, as you understand, inflates his conversation a little, especially upon political subjects, does he not ?—A. Not as I am aware of.

109. Q. Is he not known as a very free and liberal talker ?—A. He is quite a hand to talk political questions.

110. Q. Do you know why contestant should call you to prove what Jones told you a few days ago, when Jones is already noticed by contestant and can give the same knowledge, if he has any, to the notaries which he gave to you, and perhaps disclose his source of information ?—A. I don't know how he came to call me.

111. Q. Nor do you know that a dollar of Mason's money, or money in his interest, was expended in your town, I suppose ?—A. Not of my own knowledge.

112. Q. Have you not learned that Mr. Duffy, full a year ago, became one of the organizers of a Greenback club in the village of Pulaski ?—A. No, sir.

113. Q. Did he not take an active part with the Greenbackers at their charter election a year ago ?—A. Not to my knowledge.

114. Q. Did you know of Mr. Duffy being one of the delegates to the third assembly district convention last August which placed in nomination Mr. Northrup, of Parish, as the Greenback candidate for assembly ?—A. Not to my knowledge.

115. Q. Did you learn at that convention that Mr. Duffy had declared himself a Greenbacker ?—A. No, sir.

116. Q. Did you know of Mr. Duffy attending the Greenback State convention at Syracuse ?—A. No, sir.

117. Q. When did you first learn that Duffy had allied himself with the Greenback party ?—A. It was a few days after the Greenback assembly convention.



118. Q. And how did you learn that fact?—A. From Dr. T. J. Green, of Parish.

119. Q. What did he say on the subject?—A. He inquired of me what Mr. Duffy's former politics had been; that he had learned that Mr. Duffy would like the nomination of the Greenback party for member of assembly and wanted to know what my opinion was about how Mr. Duffy would run if the Democrats would indorse him. They would try to get Mr. Northrup to withdraw from the ticket, and that he thought that Mr. Duffy would be elected.

120. Q. Did he say how he learned that Duffy was a Greenbacker?—A. He said he learned it from some of the delegates in the Greenback district convention.

121. Q. About what time in the summer did you have this conversation with Green?—A. I should say it was in the latter part of August or the 1st of September; it may have been earlier or it may have been later.

122. Q. Did you not understand that Mr. Duffy took the field as a political speaker in the interest of the Greenback party?—A. I did about the time he was nominated by the Democrats for member of Congress.

123. Q. Don't you know that he had been diligently at work holding meetings in the interest of the Greenback party and for several weeks before the Democrats indorsed him?—A. Not to my knowledge.

124. Q. Will you say such was not the fact?—A. No, sir.

125. Q. Did you not on many occasions, at Mr. Fuller's drug-store and at the book-store and at other places in the village of Pulaski, denounce Mr. Duffy's Greenback ideas and ridicule them with severity?—A. No, sir.

126. Q. Did you not denounce both Duffy and Shea and charge that they had turned their coats for office?—A. No, sir.

127. Q. Did you know of Duffy's speaking in advocacy of the Greenback party at Oswego Falls, at Parish, in Redfield, in Pulaski, and many other places, and frequently addressing the same meeting addressed by Shea?—A. Not of my own knowledge.

128. Q. Do you understand that to be the fact?—A. I understand that he stumped the county, but whether he did it with Mr. Shea or not I don't know.

129. Q. Did you understand him to be opposed to the national banking system?—A. I did, as all Greenbackers are.

130. Q. Did you understand him to be opposed to the resumption of specie payments by the general government?—A. I had no understanding on that subject.

131. Q. You mean by that, do you not, that you had no knowledge as to Mr. Duffy's position on the question of resumption?—A. Yes, sir; that is what I meant.

132. Q. Was not that the vital question involved in the campaign in this State?—A. That was one of the questions discussed during the campaign.

133. Q. Are you acquainted with Senator Thurman?—A. No, sir.

134. Q. Did you ever see that gentleman and do you know where he lives when at home?—A. I have never seen him, but understand he represents the State of Ohio in the United States Senate and lives in the State of Ohio.

135. Q. Will you swear positively that he is from the State of Ohio?—A. Yes, sir.

136. Q. Do you know what his views were on the question of resumption in October last?—A. I should think he was opposed to it.

137. Q. You say you understood Mr. Duffy's position to be the same as that of Senator Thurman; who put that idea into your head?—A. Mr. Duffy was the one that told me that he was a Thurman Greenbacker.

138. Q. And was that all that you knew about it?—A. That is all I knew about Mr. Duffy's views.

139. Q. Understanding Senator Thurman's position so thoroughly on the question of resumption, and knowing that gentleman to be opposed to resumption, and having been advised by Duffy that he was in accord with Senator Thurman, really didn't you believe and understand Mr. Duffy also to be opposed to resumption?—A. I had no understanding about it.

140. Q. Did you doubt Duffy's word when he told you he was in accord with Senator Thurman?—A. I never had any reasons to doubt it.

141. Q. Then did you doubt that he was opposed to resumption?—A. I knew nothing about how his mind was on that subject. I thought it was of very little consequence whether he was for or against it.

142. Q. Why did you think that question was of so little importance?—A. Because there was a law already passed, which didn't amount to much although it was on the statute books, which required the Secretary of the Treasury, if he had the money, to redeem the greenback currency of the country in gold or silver, and the law went into force on the 1st day of January, 1879, and consequently Mr. Duffy wouldn't have much to say about it.

143. Q. But did you understand Senator Thurman's position with reference to the repeal or enforcement of that statute which didn't amount to much?—A. No, sir.

144. Q. Then do you say that you understood Mr. Duffy and Senator Thurman to be in accord on that question, while affirming upon your oath that you did not know how either of them stood?—A. What I have said is what Mr. Duffy himself told me, without setting forth what Mr. Thurman's views were, or his own, but referring me to a speech that Mr. Thurman had recently made at Columbus, Ohio.

145. Q. If Duffy did not inform you correctly as to his being in accord with Senator Thurman, you have no reliable information on the subject?—A. No; if he misinformed me.

146. Q. When was it that he told you that he was in accord with Senator Thurman?—A. It was before his nomination by the Democrats, and a few days after he was nominated by the Greenbackers.

147. Q. Did that declaration of Duffy's have any effect on your mind in determining your political action?—A. I should say that I didn't know that it did.

148. Q. Were you not a Thurman Democrat?—A. No, sir.

149. Q. Did you understand Mr. Tilden and Senator Thurman to be in accord upon the financial issue?—A. Not fully in accord.

150. Q. Wherein did you understand them to differ?

(Objection by contestant's counsel that it is entirely immaterial and incompetent. It is not proper to waste the time of this court or of the parties in requiring the witness to define his position or the relative position of other Democrats. Notaries disagree.)

A. I don't propose to answer, to make a stump speech in relation to what Mr. Thurman thinks and Tilden thinks, and in what respects they differ on the financial question.

151. Q. I do not ask you for a stump speech, but I ask you to state

the differences, as you understand them, between Governor Tilden and Senator Thurman upon the financial issue last fall?—A. My answer is as before.

152. Q. Will you state the differences between those two gentlemen?—A. I will not. I have not attempted to define the position of Mr. Thurman or Mr. Tilden.

153. Q. I have not asked you as to what you haven't done; I simply asked you to do something—namely, to answer my question; will you do so?—A. I have answered it.

154. Q. When did you answer my question?—A. This evening.

155. Q. Then I ask you to answer it again, as it is not upon the record.—A. I decline to answer it again.

156. Q. But you have not answered my question as to the differences between Mr. Tilden and Mr. Thurman, as you understand them, on the financial issues, and why should you insist that you have? Are you not under oath?—A. Not to define their position on financial questions.

157. Q. Did you understand Mr. Duffy to be in accord with Mr. Tilden on that issue?—A. I had no understanding about it.

158. Q. Did you understand the Greenback party to be in accord with Mr. Tilden on that issue?—A. No, sir.

159. Q. Wherein did you understand them to differ?

(Objection as immaterial.)

A. I shan't go into that to-night; it is too late.

160. Q. But it is not late.—A. But it is within two minutes of 9 o'clock.

161. Q. Do you understand the position of the Democratic party in this State as defined by their last State convention on the financial issue?—A. I have read the platform, but I didn't commit it to memory.

162. Q. Did that platform declare in favor of resumption or inflation?

(Objection as immaterial, incompetent, and not the best evidence.)

A. My impression is now that there was nothing said in that platform about resumption.

163. Q. You said on your direct examination, at question 58, "I understand that Mr. Duffy's views are in accord with Senator Thurman's, but don't understand that all Democrats are in accord with him." Wherein is this discord among Democrats, as you understand them?—A. Same as there is between Baptist Church and Presbyterian; they are all going to the same place but by different roads.

164. Q. But they refuse to eat at the same table or to drink from the same cup. Would you apply that rule to the discordant elements of the Democracy?—A. I think you are mistaken. So far as my experience goes, different denominations invite their brethren to eat the bread and drink the wine, as all Democrats do.

165. Q. Since your knowledge is so perfect on church discipline, especially the hard-shell Baptists, I will now ask you to point out wherein the Democracy were in discord with themselves, as you testified on your direct examination.—A. In answer I will say the question gives the witness more credit than he takes to himself on church discipline.

166. Q. Will you answer, then, that portion of my question which is pertinent to this case, that relating to the division in the Democratic party of which you spoke?—A. I don't know as there is any particular division in the Democratic party; some factions favoring and some opposing candidates.

167. Q. What had you reference to, then, when you said that all Democrats, as you understood, did not coincide with Duffy and Thurman on

the financial question ?—A. I do not know that I did ; some were inclined to favor the Greenback side and some the hard-money side, the same as Republicans did, but on the main question they were all right.

168. Q. Did I ask you anything about the main issue ?—A. No, sir.

169. Q. Then why should you volunteer such expressions ?—A. Because you were trying to make out that the Democrats were divided.

170. Q. Are you so desirous that they should appear upon this record in favor of Mr. Duffy, as having been undivided in their support of that gentleman, that you are willing to swear no divisions existed among the Democracy in the county of Oswego at the last general election ?—A. Not that I am aware of.

171. Q. Do you understand that no divisions existed, even in your own town of Richland ?—A. Not that I am aware of.

172. Q. Is Dr. F. S. Low not a prominent Democrat, and was he not a sheriff of the county and possessed of much political influence at the last general election ?—A. He claims to be a Democrat, was nominated by the Democrats, and elected sheriff, and has a considerable influence.

173. Q. How do you account for so prominent a Democrat and one of his influence and position having abandoned the support of Mr. Duffy ?—A. He and Mr. Duffy were not on good terms.

174. Q. Do you know of any difficulty existing between them ; and, if so, what ?—A. I know that Dr. Low was not very friendly towards Mr. Duffy. What the trouble was I couldn't tell you.

175. Q. When was it that he was not very friendly ?—A. I have heard him speak disrespectfully of Mr. Duffy for the last four or five years.

176. Q. Can you say that he did not withhold his support upon the financial issue ?—A. I could not.

177. Q. Is not Dr. J. N. Betts, of this village, one of the most prominent, active, and representative Democrats in this section ?—A. Yes, sir, when he is running for an office ; he is a prominent man, and active when running for an office.

178. Q. You may name some of the offices he has run for.—A. He has run for the office of supervisor several times and been elected once, and he has run for member of assembly a year ago last fall. He was a candidate for sheriff in the convention last fall.

179. Q. How do you account for so prominent a Democrat as Mr. Betts supporting Judge Mason, the Republican candidate for Congress, instead of Mr. Duffy ?—A. For the reason that Mr. Betts and Mr. Duffy had some difficulty about a buggy which Dr. Betts had sold to Mr. Bennett and got his pay for it, as Bennett claimed. Mr. Betts got the buggy and took it from the place where it was stored to his own barn, and refused to let it go into the bankrupt estate of Mr. Bennett for the benefit of the creditors, of whom Mr. Duffy was one. They had some words about the buggy. Up to that time they were the best of friends, but after that Mr. Betts was very bitter towards Mr. Duffy.

Adjourned to 8 a. m. April 19.

April 19, parties appeared.

180. Q. Do you know Samuel Crippen of this village, Samuel Palmer, Hiram Bettinger of Port Ontario, and Albert Wright of Richland Station ?—A. I know them all.

181. Q. And are they all Democrats ?—A. I understand they are.

182. Q. How do you account for their opposition to Mr. Duffy ?—A. I account for it on the ground that Mr. Duffy is a very strong temperance man, and they are all hotel-keepers, and in favor of licenses.

183. Q. Then you think they were prejudiced against him on the license question?—A. Yes, sir.

184. Q. And do you know how far that prejudice prevailed throughout the county among license-men and hotel-keepers?—A. I do not.

185. Q. Do you know Albert F. Betts, a son of Dr. Betts?—A. Yes, sir.

186. Q. Is he a Democrat?—A. He claims to be one.

187. Q. And how do you account for his opposition to Mr. Duffy?—A. I do not know that he was opposed to Mr. Duffy.

188. Q. Will you say that he did not vote against Mr. Duffy and oppose his election?—A. Not from my own knowledge.

189. Q. Will you swear that he voted for Mr. Duffy?—A. I will neither swear that he voted for or against him, for I know nothing about it.

190. Q. Do you know William June, a merchant, of this village?—A. Yes, sir.

191. Q. Is he a Democrat?—A. He acts with the Democratic party.

192. Q. How do you account for his opposition to Mr. Duffy?—A. I don't know that he was opposed to him.

193. Q. Do you know that he was not?—A. I do not, as I never talked with him on the subject.

194. Q. Do you know Marinus Niles and his son George?—A. I know Marinus, but I am not sure I know his son George. I may, but I don't locate him exactly.

195. Q. You understand he has such a son, do you not?—A. I know three or four Nileses. They are all relatives, but I don't know the relation; upon reflection, I do know George.

196. Q. And do you not regard Marinus Niles and his son George as Democrats?—A. Marinus Niles, if I understand it, usually votes the Democratic ticket, and the person I think is his son George I think usually votes the Republican ticket.

197. Q. Will you swear that he did not vote the Democratic ticket last fall, all but Congress?—A. I will not.

198. Q. Did you talk with his father on election day with reference to Mr. Duffy?—A. I did.

199. Q. You may give that conversation.—A. He asked me if the stories which the Republicans had been circulating about Mr. Duffy's getting a large amount of money out of the regents' fund was true. I told him my opinion was that it was false; that I had as good an opportunity of knowing as any one, and that if he would come to me some other time I would tell him all about it. I was busy that day. He made the reply that he thought I would know something about it and that I would tell him the truth.

200. Q. Can you swear how he voted on Congress that day?—A. My opinion is he voted for Mr. Duffy, if he voted at all on Congress.

201. Q. You cannot swear positively on that subject how he voted?—A. No; I cannot.

202. Q. I take it the Republicans had worked up quite a feeling on this subject of Duffy's irregularities regarding the literary fund in this locality?—A. They have tried to prejudice the minds of ignorant persons, to influence them politically against Mr. Duffy.

203. Q. Do you know to what extent they succeeded in reviving that old scandal against Mr. Duffy?—A. I don't think they made much of an impression, except on those that wanted to believe it.

204. Q. And do you know how many there were who wanted to be-

lieve it?—A. I could not state the number, unless it was all the Republicans.

205. Q. Then you understand, do you not, that these charges against Mr. Duffy were generally believed among Republicans to be true?—A. I had no understanding about it; it was used as a campaign argument to get voters to vote against Mr. Duffy.

206. Q. And this charge was freely made, was it not, by Mr. Duffy's opponents both prior to and on election day?—A. I heard it spoken of frequently before election, but remember no instance, save the one related, on election day.

207. Q. Had you believed that story to have been true against Mr. Duffy, as charged, would you have believed him a suitable person for Representative, and would you have supported him?

(Objection by counsel for contestant as immaterial, and only intended for delay and to use up the time which the contestant has remaining to examine witnesses in rebuttal.)

A. I never heard that he was charged with anything that was criminal, but that the offense or irregularity was in prompting the students to answer the questions that were sent here by the regents. If that was criminal, there are a great many criminals; that being the charge which was presented against him, I should have voted for him if true.

208. Q. Was not the contract with Mr. Duffy to the effect that the village of Pulaski should keep the buildings in repair, and he, Duffy, should run the school and have all the money which he could make or realize therefrom, and was not that in substance the contract at the time of these alleged irregularities and frauds?—A. No, sir; I'll tell you how I understand the bargain, if you want. I don't want you to put me on the record on that question; I had rather put myself on. I don't claim that Mr. Duffy was not to have the benefit of the literature fund in the bargain that was made with him by the board of education; he was also to receive a sum from the board in the way of tax—the exact amount I cannot state—\$300 the first year, \$200 the second, \$100 the third, and after that was to run it without expense to the board. That was the arrangement for the first five years.

209. Q. Was that the arrangement at the time of these alleged irregularities?—A. Yes; it was.

210. Q. Then the increase or diminution of the amount allowed from the literary fund of the State to the Pulaski Academy at that time, as you understand, only inured to the benefit or pecuniary loss of Mr. Duffy, no one else being interested in the amount pecuniarily?—A. Mr. Duffy was the only person that was to receive a benefit from the amount allowed.

211. Q. Did you not understand that the sum of about \$40,000 at that time was annually distributed among like institutions in the State in proportion to the number of students which should in the respective institutions annually pass the regents' examinations?—A. As I understand it, there was a literature fund distributed to the academies throughout the State, but the exact manner in which that was distributed I know not.

212. Q. Did you not understand that the allowance to those academies from this fund respectively was increased or diminished by the results of the regents' examinations?—A. I had no understanding about it.

213. Q. Did you understand that that distribution was made dependent upon the number of students attending the various institutions who had passed the regents' examination?—A. I do not.

214. Q. The facts are, I assume, that you didn't know much about the

regulations anyway; am I correct?—A. I have not claimed that I knew exactly how this fund was distributed to the academies throughout the State.

215. Q. Do you understand, or have you heard from any source that, Judge Mason's time having expired, no further evidence can be given in this case on his side of the contest?—A. I have heard that he closed his side of the case.

216. Q. And did you hear, or do you understand, that he cannot give further evidence in the case?

(Objection as immaterial, and only asked for the purpose of using up the contestant's time.)

A. I have heard so; I know nothing about it.

217. Q. Who told you that fact?—A. I think it was Mr. Duffy; am positive it was.

218. Q. When did he tell you that fact?—A. I think last Saturday; I asked him how long this examination was going to last.

(Objection to the witness giving what was said until it is called for, and then only that portion which is called for.)

219. Q. What did he say with reference to contestee's right to call evidence in reply to such matter as he (Duffy) should put in evidence on rebuttal?—A. I don't remember anything being said particularly on that subject.

220. Q. Did you understand from him that contestee possessed no right or power whereby he could give additional evidence?—A. I did not.

221. Q. How came you to swear, then, that you heard from Mr. Duffy, or that you understood from Mr. Duffy, that contestee could not give further evidence in this case?—A. I asked Mr. Duffy how long this evidence was to be taken, and he told me that Judge Mason's time would expire on Tuesday or Wednesday of this present week, and that he (Duffy) would have 10 days in which to rebut; and I think there was nothing said about Mr. Mason's having no further time to reply or rebut.

222. Q. Where did you get the idea that Judge Mason could give no further evidence in the case?—A. I think I have heard Mr. Lamoree state that fact; I heard some one, either here or at McCarty's office, state it.

223. Q. Do you understand that to be fact?—A. I do.

224. Q. Did you understand that fact before evidence on rebuttal commenced?—A. Only from what I have heard since the examination commenced here in this place.

225. Q. Then you have little fear, I apprehend, of your being contradicted by contestee's witnesses, whatever you may swear to, or of being impeached by your neighbors?—A. I have no fear of being impeached or contradicted, for I expect to swear to nothing but the truth.

226. Q. But you know of no way under the rules of practice in these proceedings in which contestee could either contradict or impeach if you should swear false, do you?—A. I know nothing about the rules of practice, for I am not an attorney.

227. Q. But you have already stated your understanding that contestee cannot call further witnesses.—A. I have heard so, but I know nothing of my own knowledge.

228. Q. You have also stated that you understand that fact to be true; then how do you understand that you are in danger of contradiction or impeachment if contestee desired to call witnesses for that purpose?—

A. I don't understand that I am in any danger of impeachment or contradiction.

229. Q. Will you answer my question? How do you understand a contradiction possible if you should swear false?—A. That is an impossible thing, Mr. Lamoree, to answer that question, for I have nothing to do with the law so far as the contestee is to get in his contradictory evidence.

230. Q. But you don't understand that the high sheriff of the county will be permitted to give evidence on this contest in denial of what you claimed he told you, do you?—A. I don't know as I have claimed that he told me anything.

231. Q. Who do you claim it was told you that Judge Mason put \$1,500 or \$2,000 into the hands of Hon. Elias Root, of Oswego, for distribution and corruption just before the election?—A. Henry H. Lyman, late sheriff of Oswego County.

232. Q. When and where was it that he told you that?—A. It was in Mr. Fuller's store over here in this village, either the first or second Sunday after the November elections last fall.

233. Q. Who was present?—A. Mr. Geo. W. Fuller was in the store, and I think the only one that was in at that time.

234. Q. Do you know why you were not called to swear to this fact before contestee's time expired?—A. I do not.

235. Q. Do you know why Mr. Duffy didn't call you to prove that fact during the forty days in which he was giving affirmative evidence?—A. I don't know that he knew that I had any such conversation.

236. Q. But you knew that this contest was proceeding, did you not?—A. I knew they were taking evidence.

237. Q. Did you hear about Philo Bundy's testimony?—A. I read it in the papers.

238. Q. In what paper?—A. It was in the daily Times or Palladium, or both.

239. Q. That was about the time the evidence was given, was it not?—A. Yes; the next day after that I read it.

240. Q. Did you see Mr. Duffy almost daily about that time?—A. No, sir; I did not.

241. Q. When you learned that this contest was to proceed, and you being Mr. Duffy's friend and supporter and neighbor, why didn't you tell him this fact which you had learned, and impart to him all important facts within your knowledge?—A. I presume it is because I didn't think of it when I saw him, and I didn't see him very often to have a conversation with him.

242. Q. Then this great fact was not very forcibly impressed on your mind, as I take it?—A. Yes, sir; it was very forcibly on my mind.

243. Q. Did you never talk with Mr. Duffy about the contest before his evidence closed, about February 23?—A. Nothing that I remember of; I had had some conversation with him.

244. Q. Were you not consulted by Mr. Duffy with reference to the contest, even before the specifications were served upon Judge Mason?—A. I was not consulted; I had talked with him about it.

245. Q. Where did you talk with him about it?—A. Here in the village.

246. Q. On how many occasions before the papers were served?—A. I cannot recall now but two.

247. Q. Who was present and took part in those conversations then?—A. Mr. Duffy and myself; no others present that I remember.

248. Q. What was the purport of those conversations?—A. He told me



he had received letters from Madison County, and from some portions of this county, not specifying the places from where they were, stating that Judge Mason had been using large amounts of money to secure his election, and that if he should learn that such was the fact after investigating, he should contest the election of Mr. Mason, and he requested me, if I would, the first time I went to Oswego to make some inquiries in relation to the spending of money by Judge Mason.

249. Q. Did he tell you from whom he had received the letters from Madison County or from Oswego County?—A. He did not name any persons.

250. Q. How long was it after election that you had the first conversation?—A. Well, I should say it was perhaps from six to ten days after election.

251. Q. And how long was it after that the second conversation took place?—A. It was six to ten days after that that I had the second conversation, and after I had been to Oswego.

252. Q. Did you have the conversation with Mr. Lyman before or after Duffy told you about the letters?—A. I think it was after.

253. Q. Did you have the conversation with Mr. Lyman before or after your second interview with Duffy?—A. Before.

254. Q. Will you swear positively that the conversation with Lyman did not take place prior to the first conversation with Duffy?—A. I will not.

255. Q. What did you say to Duffy when he requested you to make inquiries in Oswego and ascertain, if you could, if money had been used?—A. I told him I was going to Oswego in a few days on business of my own; that I would then make these inquiries that he requested me to make.

256. Q. Anything said beside that on the question of frands?—A. Nothing.

257. Q. What was the second interview between you and Duffy, and where did it take place?—A. The second interview was after I had been to Oswego, and was in the village of Pulaski.

257. Q. Who was present?—A. Mr. Duffy and myself.

258. Q. Did the conversation relate to what you had learned with reference to the use of money at the elections?—A. Yes, sir.

259. Q. And your testimony here when called upon that subject is limited to the use of money in the town of Richland, and to the conversation previously had with Lyman. Are you still willing to swear that you did not disclose the important facts learned from Mr. Lyman to Mr. Duffy until after contestant had entered upon and concluded the taking of his depositions in chief in the matter of this contest, or to about three or four weeks?—A. I have no remembrance of saying to Mr. Duffy anything in relation to the conversation with Lyman until last Saturday.

260. Q. How happens it that you imparted that fact to Mr. Duffy the same day on which you learned that no contradictions or impeachments on the part of contestee could go upon the record to refute or destroy whatever you might swear to?—A. Because he came to me on Saturday evening and said he should want to subpoena me in this case. I said to him that I didn't know anything that would be of importance to him, and he said that I knew about the regents' examination, about which there was so much said, as I was one of the board of education at that time, and in connection with that I told him of that conversation with Lyman.

261. Q. Was that earlier or later in the day than the conversation with him in relation to the expiration of contestee's time or ability to

take further depositions?—A. That conversation was before, earlier in the day, but there was nothing in the conversation which led me to believe that the contestee had not an opportunity to reply to his evidence.

262. Q. How much do you wish to change your testimony given this morning on that subject since you have discovered from the cross-examination the bearing of such instructions of Mr. Duffy?—A. I repel, with indignation, all insinuations that I am here under the instructions of Mr. Duffy. I don't wish to change my evidence in relation to any conversation I had with Mr. Duffy.

263. Q. You stated this morning in questions 215, 216, 217, and 218 that you were positive that you heard from Mr. Duffy, and you thought on Saturday last, and that you understood that contestee could not give further evidence in this case. Do you wish now to modify or alter that evidence?—A. Witness declines to answer a question embracing so many propositions.

264. Q. The question embraces but a single proposition, viz, do you wish now to take back what you swore to this morning? Will you answer that?—A. I shan't give one. I have answered it once.

265. Q. Do you mean to say you have answered the present question as to whether you stand by what you swore to this morning since discovering its effect or desire to change your testimony?—A. In answer to that I will say that I have not discovered anything in the evidence that I gave this morning, if reported by the notaries as given, that I want to change or alter.

266. Q. But the notaries, before making your last answer, produced and read both the questions and answers referred to that you might know before answering. Why do you now say if the notaries have got them down correctly, &c.?—A. It is not true that the notaries read to me the questions and answers referred to.

267. Q. Did not Counselor King do the reading for the notaries in your presence?—A. He read a portion.

268. Q. Did you see and converse with Mr. Duffy on the subject of this contest on more than two occasions before the papers were served?—A. I couldn't answer. I don't know when the papers were served.

269. Q. State if you did before the taking of evidence commenced, as you understand.—A. I don't recall any conversation only the two I have mentioned until after the evidence began to be taken; still there might have been.

270. Q. And how many conversations did you have with him after they commenced taking testimony?—A. I never had any extended conversation, but we have spoken on the subject perhaps a half dozen times, and perhaps more.

271. Q. Have you been to his house or he to yours when this question was brought up?—A. No, sir.

272. Q. Have you ever conversed with Mrs. Duffy or she with you on the subject?—A. We have never conversed, and I don't think I have seen her since election.

273. Q. Have you been to Oswego at any time when Mr. Duffy was taking evidence?—A. I may have been there when he was taking evidence, but I don't know it.

274. Q. Did you ever have an interview with Duffy on the subject of this contest when any third person was present?—A. I don't remember, unless it might have been in Mr. Meacham's, perhaps.

275. Q. When was the conversation at Meacham's?—A. I am not positive that I have ever had a conversation with him at Meacham's, but I

may have. These conversations have usually been made in the street when I met Mr. Duffy ; a question would be asked, and we passed on.

276. Q. A question be asked about what ?—A. I would ask him a question, "How are you getting on with the contest," and he would generally answer, "Very nicely."

277. Q. Did you never make any reference to the evidence or to any portion of it ?—A. We never discussed it.

278. Q. Why did you ask him how his contest was proceeding ?—A. For information.

279. Q. And why were you not as willing on those occasions to impart your information to him and help him along in the contest as to inquire of him the progress made ?—A. I should have been as willing had I supposed I possessed any which he wanted.

280. Q. If I understand you correctly, you did not believe that any direction or information which you might give him tending to establish the fact that Judge Mason had become frightened about his election, and had placed in the hands of Hon. Elias Root, of Oswego, a corruption fund of from \$1,500 to \$2,000, would be deemed by Mr. Duffy as belonging to a class of facts which he might deem material to his case ; am I correct ?—A. If I had known of my own knowledge that this money had been used for the purpose of corrupting voters in the interest of Judge Mason, that it would have been important and material evidence for Mr. Duffy in the contest, but its coming to my knowledge through third parties, it would not be material in this controversy ; that was my supposition.

281. Q. And was that the reason why you did not tell him ?—A. I should not give that as the reason. The reason was, because I didn't think of it.

282. Q. But you said in answer to question 242, if I mistake not, that this great fact was very forcibly on your mind. Is that a fact ?—A. I remembered the conversation with Mr. Lyman very distinctly.

283. Q. What did you mean by saying that it was very forcibly on your mind ?—A. It was from the manner in which you put the question.

284. Q. What was there about the manner of putting the question which caused Lyman's statements to you to have been all these months preceding the question to have been very forcibly on your mind ?—A. It was from the manner and language which the questioner used in asking the question.

285. Q. Then when you answered my question No. 242, by saying these facts were very forcibly on your mind, you didn't mean what you said, did you ?—A. I don't wish to change my answer to No. 242.

286. Q. Inasmuch as you reaffirm the great weight of those facts upon your mind, taken in connection with your conceded interest in the case, so much that you frequently sought information from contestant, and became the instrument or agent of contestant but a few days after the election to solicit facts when in Oswego in aid of contestant, which facts you subsequently imparted to him after conversing with Mr. Lyman, are you still willing to affirm that you never thought to impart Lyman's conversation to Mr. Duffy, your friend, neighbor, partisan, and principal, until last Saturday, and that you even then withheld them until contestee was deprived as you understood, of all right to present depositions in opposition to what you imparted ?—A. The witness could not answer that question without making an answer as long as the question. As far as being the agent or instrument of the contestant, it is not true. I don't concede that I have taken any very great interest in the case. I deny that I ever sought Mr. Duffy to get information in

the case, except as I met him casually upon the sidewalk. I don't<sup>1</sup> remember of ever thinking of it when I saw Mr. Duffy. I am a friend and neighbor of Mr. Duffy.

287. Q. Why do you decline to record yourself as the partisan of Mr. Duffy?—A. Perhaps I don't know what you mean by partisan. If you mean that I belong to the same party, if he is a Democrat, I do; if he is a Greenbacker, I do not.

288. Q. Do you know how many Democrats last fall, sharing the same feelings on the question of partisanship confessed by you at this time toward Mr. Duffy in this county refused to acknowledge him as a partisan, believing him to be a Greenbacker, and either gave their votes to a hard-money candidate in the person of Judge Mason, or declined to vote at all, upon the theory that there was no Democrat in the field?—A. None that had the same feelings that I had.

289. Q. In what capacity did you accompany Duffy to the Democratic convention, as delegate, neighbor, or political broker?—A. I have never been engaged in political brokerage, therefore I did not go down as a political broker, but as a friend of Mr. Duffy.

290. Q. You were not a delegate, I take it, to that convention?—A. I was substituted, after I got there, as a delegate.

291. Q. For whom did you appear as a substitute?—A. I don't know in whose place I was substituted; it was to fill a vacancy from the 1st assembly district of Oswego County.

292. Q. Did you expect to be substituted before leaving Pulaski?—A. No, sir.

293. Q. What services did you expect to render in that convention, so unanimous for Duffy?—A. I had no expectations. Mr. Duffy may have had some.

294. Q. Did Duffy buy your ticket to Oneida before leaving Pulaski?—A. I think I bought my own ticket.

295. Q. Are you positive of that fact?—A. Yes.

296. Q. When and where was it that Duffy paid you the expenses?—A. It was at the depot at Pulaski, the morning we started for Oneida.

297. Q. How much money did you receive in all from Duffy or any one acting for him?—A. Mr. Duffy gave me a \$5 note, and said if that did not cover my expenses, he would give me the balance when we got home.

298. Q. Is that all the money you have received, directly or indirectly, from Mr. Duffy?—A. That is all, with the exception of paying my witness fees in this case.

299. Q. Did you have an interview with Hon. A. S. Warner shortly before going to that convention and relative to the action of that convention?—A. I had an interview with A. S. Warner previous to the Greenback convention. I don't remember that I had one previous to the Democratic convention; still I may have had one.

300. Q. Warner, as you understood, was prominent in the Greenback party, was he not, and was known as a Republican Greenbacker?—A. I understood he was a Greenbacker, and he had formerly been a Republican.

301. Q. Where did that interview take place?—A. In the village of Pulaski.

302. Q. Did you not have an interview with that gentleman and upon political subjects at your residence in this village within three days next preceding the nomination of Duffy by the Democratic convention?—A. I don't remember of Andrew S. Warner being at my house since a year ago last February, and I don't think I had any conversation, and almost

know that I did not have any conversation with him previous to the Democratic convention on the subject of the nomination of member of Congress.

303. Q. How many delegates in the Democratic convention acted as delegates by substitution?—A. I know of no other than myself.

304. Q. Was there not an effort made in that convention to nominate a straight Democrat in the person of George Kellogg, of Fulton?—A. No, sir.

305. Q. Was there not a protest or an opposition strongly apparent at that convention in opposition to the indorsement of the Greenback candidate?—A. No, sir; the sentiment was all unanimous in favor of the nomination of Mr. Duffy.

306. Q. Of how many members did that convention consist?—A. Of twenty-five.

307. Q. Who first approached you with reference to going to that convention?—A. I am not really clear who it was. I think Mr. James A. Clark spoke to me first.

308. Q. Did you have an interview with Eastman in reference to his action in the convention?—A. Yes, sir.

309. Q. Where did you first confer with him on the subject and at what time?—A. At Pulaski on the day of the Democratic assembly district convention.

310. Q. Before or after he had been elected a delegate?—A. After.

311. Q. And how late in the day?—A. I should think within an hour or two after the convention got through its business, perhaps two or three o'clock.

312. Q. It being at that hour of the day, I assume that that gentleman was more or less intoxicated?—A. No, sir.

313. Q. Do you regard him as a man of responsibility in any sense of the term?—A. Financially I don't suppose he is worth anything. I will refer you to his neighbors for his character.

314. Q. Did you have another interview with him after the day of the district and before the Congressional convention?—A. I do not remember of having any, but may have had.

315. Q. Did you at the district convention appear and confer with delegates there, chosen to the Congressional convention, at the request of Mr. Duffy?—A. No, sir; at that time I had had no conversation with Mr. Duffy on the subject.

316. Q. When and where did your first interview with Duffy take place with reference to his indorsement by the Democratic convention?—A. I had a conversation with him in this village a few days before the Democratic Congressional convention.

317. Q. Did Duffy come to see you on the subject?—A. He didn't come to see me, nor I didn't go to see him. We casually met.

318. Q. Who was present?—A. I couldn't say whether any one was present.

319. Q. Did Mr. Duffy request your assistance?—A. He asked me if I wouldn't go down to Oneida in his interest. I told him that I would go, but I didn't feel able to spend the money to defray my expenses. He said he would like to have me go, and he would see me again. On reflection, that the above conversation took place with Mr. James A. Clark.

320. Q. My question called for your first interview with Mr. Duffy.—A. I attempted to give it, but I don't know as I can, my memory is so vague now.

321. Q. You may give the first interview that you can recall?—A. I

can't recall any interview—any conversation—on the subject of member of Congress had with Mr. Duffy since the morning we went to Oneida.

322. Q. Did you put forth any effort among the delegates in the interest of Mr. Duffy?—A. I did before I went to the convention. I urged them and asked them to support Mr. Duffy, but at the convention it wasn't necessary; they were all of one mind.

323. Q. What delegates did you talk with before going to the convention?—A. I talked with Mr. Edlick, of Parish; Mr. Peck, of Mexico; Mr. Anson R. Jones, of Pulaski, and Mr. Eastman, of Albion. I don't remember seeing Mr. Mellen.

324. Q. Those were all the delegates in this assembly district?—A. Yes, sir.

325. Q. Where did you see Edlick?—A. I think I saw him here in this village.

326. Q. Did you see him anywhere else?—A. I think I saw him at Mexico, at the Democratic county convention, but am not sure.

327. Q. Did you see him anywhere else?—A. I don't remember.

328. Q. Where did you see Peck?—A. Here in Pulaski and at Mexico at the convention.

329. Q. Where did you see Eastman?—A. Here at Pulaski, possibly at Albion, but I didn't go there to see him on Congressional business.

330. Q. Were any of those gentlemen sent for to come to Pulaski on that matter?—A. Not to my knowledge.

331. Q. Really you were very busy, were you not, working up the nomination or indorsement of Mr. Duffy?—A. I did not make that my business, but whenever I saw a Democrat and thought of it I asked him how he thought it would do for the Democrats to nominate Mr. Duffy for member of Congress.

332. Q. Why didn't you confer with Sheriff Low, Dr. J. N. Betts, William June, and Samuel Crippen of your own village on that subject?—A. I think I did talk with Dr. Low and William June.

333. Q. Were they favorable?—A. I don't think Dr. Low talked very unfavorably about it.

334. Q. Did he favor it?—A. I couldn't say; he was very enthusiastic.

335. Q. How was June?—A. I think he was against the nomination of Duffy.

336. Q. Have you taken any part in looking up evidence in this contest?—A. No, sir.

337. Q. Have you never consulted with Mr. Duffy or he with you in reference to the evidence?—A. No, sir.

338. Q. Did Mr. Duffy ever exhibit to you a statement or synopsis of what he expected to prove?—A. No, sir.

339. Q. Have you ever talked with any person in the village of Pulaski with reference to the proofs?—A. I don't remember that I have.

340. Q. Have you ever told any Republican what Lyman told you?—A. I don't remember.

341. Q. Did you ever tell any man who has not been subpoenaed by contestant?—A. I have no knowledge of who has been subpoenaed by the contestant.

342. Q. Who is the first person to whom you told it; Jones?—A. He says I told him, but I don't remember it.

343. Q. When did he tell you that?—A. I guess it was last evening.

344. Q. In this office?—A. I think so.

345. Q. Who was present?—A. Mr. King.

346. Q. Can you name any other man?—A. I don't remember of telling it to any man; I may have told it to twenty.

347. Q. Will you now swear that you have not repeated this story to other persons than Jones?—A. I will not.

348. Q. If you repeated the story, then, it made no impression upon your mind, did it?—A. I shall not answer any more questions on that subject; I have been bamboozled long enough.

349. Q. Did this alleged declaration of Mr. Lyman make such an impression upon your mind that you are now willing to swear that you recollect the precise language used by Lyman on that occasion?—A. I haven't pretended to give the precise language, but the substance.

350. Q. Can you now recollect and state any other conversation you had with Mr. Lyman on that occasion?—A. We were talking on the result of the election generally.

351. Q. Can you recollect any other language used by Mr. Lyman on that occasion?—A. Yes, sir; I can remember the substance, but not the language.

352. Q. When Mr. Lyman made this alleged declaration you thought it was a trifling and unimportant matter, didn't you?—A. I didn't think it was trifling and unimportant. I did think it wasn't a trifling matter to expend \$1,500 or \$2,000 for corrupting voters.

353. Q. But you did not attach sufficient importance to this fact to communicate it to Duffy and to his immediate friends?—A. I don't know as I did communicate it to any one at that time.

354. Q. You may now state any other language or expression used by Lyman on that occasion.—A. I'll give the substance, but I won't attempt to use the language.

355. Q. You may state his conversation with you, using his precise language as nearly as you can.—A. We were talking on the subject of the election of the sheriff, and I asked him how it was that Gardenier had run so badly in the city of Oswego, and he said there was one or two ways to account for it, and one was that Mr. Gardenier reported to his friends there that he had made arrangements with some parties in the third assembly district to carry this district, and that he was going to carry the first district. The parties he named here were Mr. Clark and Low. And that the parties and their friends in Oswego who were expecting favors from the sheriff went to work very earnestly against Mr. Gardenier, and the other was that he was unpopular with the Catholics, for his taking an active part in the defeat of a Catholic priest for school commissioner.

356. Q. Do you now remember anything further that he said on the subject of this election?—A. There was more said, but I can't relate it now.

357. Q. In what portion of this conversation did this remarkable declaration about the use of money come in?—A. I don't know as I could specify.

358. Q. Can you state or do you recollect what was said by Mr. Lyman just before this declaration about the money?—A. I don't know as I can.

359. Q. Can you state what was said immediately afterwards?—A. (Same answer.)

360. Q. Did you not think, on that occasion, that Mr. Lyman, in making that remark, was indulging in buncombe or a joke?—A. I thought nothing about it. I supposed he told me the history of the campaign as he knew it.

361. Q. Mr. Lyman is known to be an ardent Republican, is he not?—

A. He has been a leading Republican since I have known him, for thirteen or fourteen years.

362. Q. Did not Mr. Lyman know on this occasion that you were a friend and supporter of Duffy for Congress?—A. I presume he did.

363. Q. And was not Mr. Lyman a friend and supporter of Judge Mason for Congress?—A. I presume he was. I know nothing to the contrary.

364. Q. What time in the day did this conversation occur?—A. I should think between half-past 9 and 11 a. m.

365. Q. How long were you in the store with Mr. Fuller?—A. I couldn't tell you how long; from half an hour to an hour or more.

366. Q. Did Mr. Fuller participate in the conversation?—A. I don't think he did.

367. Q. Did he hear it?—A. I don't think he heard all of it; he may have a part. He was in the front part of the store, and we were back by the stove.

368. Q. What were you doing there?—A. We had no business, other than visiting.

369. Q. Are you in the habit of visiting Mr. Fuller's store on Sunday?—A. Most generally twice.

370. Q. Who entered the store first, you or Mr. Lyman?—A. I couldn't tell you.

371. Q. Was Mr. Lyman doing anything in the store?—A. Nothing but talking, that I remember of.

372. Q. Was not Mr. Fuller near you and Mr. Lyman most of the time while you were there?—A. I couldn't say.

373. Q. Can you remember anything that Mr. Fuller said on that occasion?—A. I can't recall anything that he said.

374. Q. Did Mr. Fuller engage in any conversation on that occasion?—A. I should presume he did, but not in this particular conversation about result of elections.

375. Q. Do you recollect any other subject discussed on that occasion other than what you have stated?—A. I don't know that I can.

376. Q. Did you make any memorandum of this conversation?—A. No, sir.

377. Q. Have you a good memory?—A. Fair.

378. Q. Did you have any further conversation with Mr. Lyman on that day?—A. I don't remember that we did.

379. Q. Have you met Mr. Lyman since that occasion?—A. I don't remember seeing him since; I may possibly have seen him once.

380. Q. Do you now recollect in what part of the store Mr. Fuller was when Mr. Lyman made this declaration about the money?—A. I can't tell.

381. Q. Where was this alleged conversation with Mr. Bundy?—A. At the Lakeshore Hotel, in the reading room, in the city of Oswego.

382. Q. In what month and what day of the month and year was it?—A. It was in the month of November, 1878.

383. Q. Mr. Duffy has requested you to aid him in preparing for this contest, did he not?—A. Not in preparing for the contest.

384. Q. Did he request you to make inquiries in the city of Oswego, so that you could furnish him with the means to obtain evidence or testimony to be used in this contest?—A. I'll answer that question by stating what he said to me. Mr. Duffy told me that he had received some letters from Madison County and from some portions of this county stating that money had been used by Mr. Mason to promote and secure



his election; that he would like to have me when I went to Oswego make some inquiries and ascertain if such was the fact, if I could.

385. Q. Did Duffy then inform you that he intended to get up a contest over Judge Mason's election to Congress?—A. He said if he should ascertain that those statements were true he should contest the election of Mr. Mason.

386. Q. Did you not understand then that Mr. Duffy wanted you to hunt up evidence or testimony to be used in a contest?—A. There was nothing said about my hunting up evidence, but to ascertain if I could that there had been money used for the purpose of corrupting voters in the interest of Mr. Mason.

387. Q. Did he request you to report to him if you discovered any irregularities?—A. There was no request made that I should report to him, but from the very nature of the conversation it would be expected that I would talk to him on the subject afterwards.

388. Q. Did he promise to pay your expenses while on this mission of inquiry?—A. No, sir.

389. Q. Did he offer to pay your expenses while you were investigating in the city of Oswego?—A. No, sir.

Where did Mr. Duffy make this request of you? (Question waived.)

390. Q. Did you go to Oswego in the interests of Mr. Duffy?—A. I went to Oswego on some business of my own, but when I got through with it I tried to get some information in this matter in the interest of Mr. Duffy.

391. Q. How long were you engaged as this Duffy investigating committee?—A. I refuse to answer the question in that form.

392. Q. How long were you engaged in this investigation in Oswego in behalf of Duffy?—A. Perhaps an hour and a half or two hours.

393. Q. Where and of whom did you make inquiries?—A. I talked with no one but Mr. Bundy.

394. Q. What is Mr. Bundy's full name?—A. Philo Bundy.

395. Q. Where?—A. At the Lakeshore Hotel in the reading-room.

396. Q. Was not Mr. Bundy a zealous and prominent Greenback politician?—A. I understood him to be a Greenbacker; that he was a prominent citizen in Oswego; but how zealous he was on the Greenback question I can't tell you.

397. Q. Did you not understand that Mr. Bundy was a prominent Greenback politician in the city of Oswego?—A. I should think he was.

398. Q. Did you have interviews on that occasion with any other prominent Greenback politician?—A. No, sir.

399. Q. Did you in your investigations in behalf of Mr. Duffy have interviews with prominent Democrats in Oswego at that time?—A. No, sir.

400. Q. Are you acquainted with the leading Democrats in the city of Oswego?—A. With most of them.

401. Q. In pursuing these investigations why did you not call on Democrats instead of Greenbackers?—A. Your question implies that I didn't attempt to see leading Democrats, which is not true; I called at the places of business of a number, but they were not in.

402. Q. How long an interview did you have with Mr. Bundy?—A. Twenty minutes to half an hour; perhaps longer.

403. Q. Was any person present at this interview with Bundy besides yourselves?—A. There may have been other persons in the room, but the conversation was not intended to be heard by anybody but ourselves.

404. Q. Was Mr. Bundy an ardent supporter of Mr. Duffy for Congress?—A. From his conversation I would judge he was.

405. Q. And did he support Duffy because he was a Greenbacker?—A. I should presume that he did.

406. Q. Did you report the result of your mission and discoveries to Mr. Duffy, immediately on your return to Pulaski?—A. I don't think I saw Mr. Duffy for two or three days, but the first time I saw him I disclosed to him what I learned in Oswego.

407. Q. Mr. Duffy then resided near you in Pulaski, did he not?—A. He resided in the village of Pulaski where I do, but not very near me.

408. Q. Did you seek out Mr. Duffy, so as to communicate to him this important information which you had elicited in the city of Oswego?—A. I haven't said that the information was very important, neither did I seek or look for him to tell him what I had learned in Oswego, but the first time I saw him or met him, which I did quite often, I told him what Mr. Bundy had stated to me.

409. Q. Was your meeting Mr. Duffy on your return from Oswego accidental?—A. Not strictly speaking.

410. Q. After you returned from Oswego on this occasion, did you remain at home in Pulaski until you saw Mr. Duffy on the occasion spoken of?—A. I presume I was in the village two or three times a day.

411. Q. Then you did not attach much importance to the communication conveyed to you by Mr. Bundy?—A. If true, I considered it very important.

412. Q. Were you prevented by ill-health or your business from communicating to Mr. Duffy the intelligence you received in the city of Oswego?—A. No, sir; I was as well as I am to-day.

413. Q. Was this interview with Bundy before or subsequent to your interview with Mr. Lyman in Fuller's drug store?—A. A number of days afterwards.

414. Q. Does Mr. Lyman live in the city of Oswego?—A. Yes, sir.

415. Q. As Mr. Lyman had made some disclosures to you before, as you state, why didn't you interview him in your investigations at this time?—A. I can't give any reason why, only he isn't the kind of man from whom I sought to get it; his politics were not right.

416. Q. You may now commence at the beginning of this conversation with Mr. Bundy, and detail it as fully and as accurately as you can?—A. I met Mr. Bundy in front of the Lakeshore Hotel, and I said to him, if he wasn't in too big a hurry, I would like to have him go into the hotel with me; I would like to have a talk with him. We went into the reading-room of the hotel, and there I commenced the conversation; I said to him that Mr. Duffy had heard that money had been used to procure the election of Judge Mason, and he said from what he knew there was no doubt about it; he said he had been told that Judge Mason had got alarmed about the vote of electors of Madison County, and he was satisfied it was going against him; that he came to Oswego the week previous to election to have a consultation with his friends in Oswego, to see what they could do to save his election; and they informed him that \$1,500, or \$2,000, used with good judgment, would insure him this county; that the money was procured and used for that purpose, and that one person had told him that he had \$50 of the money to purchase votes in the interest of Mr. Mason; and that he, Bundy, had no doubt that Mr. Mason carried the city of Oswego, by purchasing votes or voters to vote for him.

417. Q. Have you now stated all of that conversation that you recollect on this subject?—A. There is more; I told him, Bundy, that Mr.

Duffy had said to me if these reports about Mr. Mason's spending money to procure his election had any foundation, he should contest the seat of Judge Mason, and I told him that Mr. Duffy had plenty of sand in him and backbone to do it; and that I would like to have him, Bundy, for Mr. Duffy, get all the information and facts on that subject, and he said that he would; there may have been more conversation, but I don't recall it just now.

418. Q. Will you state whether you and Mr. Bundy discussed any other subject on that occasion?—A. I don't remember of our saying a word on any other subject.

419. Q. Do you swear that you have given the language of Mr. Bundy, or have you only given the substance of the conversation?—A. I don't claim that I used the precise language of either of us on that occasion, but the substance.

420. Q. Do you know whether Mr. Bundy, after your request thus made, interested himself in hunting up testimony for Mr. Duffy?—A. I have not seen Mr. Bundy since that time, and consequently know nothing of what he has been doing.

421. Q. Did Mr. Bundy inform you in this interview of the source or sources from which he derived these reports?—A. I inferred from what he said that it was very commonly understood in Oswego that Mr. Mason procured his election by the use of money, and that everybody knew it.

Adjourned to 9 a. m. April 21.

April 21. Parties present as before by their counsel.

Cross-examination of witness Woods suspended by reason of his sickness, and Charles A. Clark was called as a witness by the contestant, whose deposition is hereto annexed.

APRIL 24, 1879.

Cross-examination of GEORGE W. WOODS resumed by Mr. SMITH, counsel for contestee:

422. Q. Did Mr. Bundy in this conversation state to you in whose hands he understood the \$1,500 or \$2,000 furnished by Judge Mason for election purposes was placed?—A. I don't think he did.

423. Q. Did he mention the names of any persons from whom he had received information as to the use of money in Oswego City?—A. He mentioned the name of Mr. Burchard and the name of another person, who said he had \$50 to spend in the interest of Judge Mason, but I don't remember his name.

424. Q. Did he tell you what Mr. Burchard said to him?—A. I don't remember that he did.

425. Q. Mr. Bundy did not claim any personal knowledge on the subject, did he?—A. I should judge not.

426. Q. Did not the assistant secretary of the board of regents come to this village and conduct the regents' examination in this academy a year or two after the time spoken of by you when the committee of regents visited the academy?—A. Not to my knowledge. I never heard of such thing before.

427. Q. Did you not hear or understand that the board of regents refused to issue certificates to scholars on the report of the examination made by Mr. Duffy for one term a year or two years after this visit spoken of?—A. In the first place, I didn't understand that Mr. Duffy examined the class at the regents' examination, and I never learned or understood but what the regents issued to the students their certificates

if they answered their percentages of questions required by the regents' regulations.

428. Q. Did you not hear that the board of regents refused to issue any certificates to scholars for one term after the regents' examination in this academy upon the report of such examination forwarded to them?—A. No, sir.

429. Q. Was there not correspondence between the board of education of this village and the board of regents concerning the repayment of money distributed to this academy by the board of regents the year before, or in substance that?—A. Not to my knowledge.

430. Q. Are you a member of the board of education now?—A. No, sir.

431. Q. Are you now under indictment, charged with fraud and conspiracy?

(Question waived.)

Redirect examination by Mr. KING:

432. Q. Do you understand that in the examinations of students each pupil or student has a slip of paper containing questions to be answered furnished by the regents?—A. Yes; I understand there is a printed list.

433. Q. Will you state what, in your judgment, would be a fair amount to expend for conveying the sick, poor, or infirm electors of the town of Richland to the polls on election day and returning them to their homes?

(Objected to as immaterial and incompetent—the witness is not qualified to answer the question; secondly, the question does not call for matter in rebuttal, and is not within the issues in this examination.)

A. In my opinion, it would be from \$5 to \$8 in this town.

434. Q. Do you understand that in this town there are quite a number of lukewarm Republican electors, who would not attend the polls and vote (and who are not sick or infirm or poor) unless they were conveyed there and returned to their homes?—A. I have talked with Republicans who appeared lukewarm, but whether they would go to the polls and vote without being carried there I don't know.

. Cross-examination:

435. Q. Is not the town of Richland one of the largest towns in the county?—A. Yes, sir.

436. Q. How many electors are there in the town of Richland?—A. My opinion is there are about 1,100, but we have never had that number out.

437. Q. How far do the boundaries of this town extend from the polling-places?—A. The farthest boundary is about six miles; the nearest is a mile and a half.

438. Q. Are not these poor, sick, and infirm voters scattered throughout the township?—A. Yes.

439. Q. Are not the highways usually in a bad condition on election day in this town?—A. Frequently so.

440. Q. How many school districts are there in this town?—A. I think about twenty-four.

441. Q. Do you know how much money was used by the Democrats last fall in getting out their voters in this town?—A. I don't know that there was any used.

442. Q. You don't know that there was any money used by the Republicans, do you?—A. Not from my own knowledge.

443. Q. And you don't know that any money was used improperly by the Republicans in getting in voters, do you?—A. No, sir.

444. Q. It is customary for both parties to use teams in getting out the poor, sick, and infirm voters in this town?—A. Yes, sir.

445. Q. And did you see any more teams used last year than you had seen used at previous elections?—A. I don't remember of seeing any.

446. Q. Were there not lukewarm Democrats in this town last fall?—A. None to my knowledge.

447. Q. Do you hold in your hands a paper purporting to be a telegram dated April 21, 1879, directed to John T. McCarty, Pulaski, and signed by H. H. Lyman?

(Objection as incompetent and immaterial. Notaries disagree.)

A. I have.

448. Q. Does this telegram read as follows:

(The counsel for the contestant objects to the counsel reading the supposed telegram by way of interrogation or otherwise as being a surreptitious method of getting incompetent testimony upon the records and unnecessarily extending the same. There is no evidence of the genuineness of the supposed telegram or that John T. McCarty ever received the same, or that it came through any telegraphic office, or that the supposed writer was responsible for it, or that it was written with his knowledge or consent, nor is there any evidence that the supposed writer has or ever had any knowledge of the same, and further that it is incompetent.)

The contestee's counsel here asserts that he offers the said telegram as evidence in rebuttal of statements made by the witness on his direct examination, and now offers to show that the said telegram was received at the branch office of the Montreal Telegraph Company located in the village of Pulaski, on the 21st day of April, 1879, and that the same was delivered by Mr. George H. Fuller, the operator in charge of said office, to John T. McCarty, to whom said telegram was directed, if such fact is here disputed.

Contestant's objection sustained. Contestee's counsel now offers in evidence the telegram referred to, and further offers to show by other witnesses, if that fact is disputed, that the same is in the handwriting of George H. Fuller, the operator in charge of the telegraph office at Pulaski.

Objected to for the same reasons as before; the offer is not made in good faith, and it will be sufficient to meet the offer to prove by other witnesses when the witnesses are produced. Objection sustained.

The counsel for the contestee now asks that the further cross-examination of this witness be suspended until seven o'clock this evening, so that he may have an opportunity to subpoena and procure the attendance before these notaries of Mr. H. H. Lyman, to prove the authenticity and genuineness of said dispatch.

The counsel for the contestant desires to proceed; a suspension of the witness's cross-examination is not necessary for the purposes asked.)

Redirect examination by Mr. KING:

449. Q. Do you recollect one George Kellogg, of Fulton, being at the Democratic Congressional convention at Oneida as a candidate for nomination as member of Congress by that convention?—A. Yes, sir.

450. Q. Was it there claimed that his desire to get such nomination was in the interest of Joseph Mason, the Republican nominee?

(Objected to as irrelevant and immaterial; question does not call for matter in rebuttal, and is not within the issues made in this proceeding.)

A. It was so claimed.

451. Q. Did you have a conversation with Mr. Kellogg in reference to such nomination? If so, state it.

(Objected to, same as to last question.)

A. On my arrival at Oneida Mr. Kellogg spoke to me about nominating a straight Democrat for the office of member of Congress, and I said to him we could not always get a good candidate to take the nomination, as our party was in such a large minority, without any hopes of an election; and he said he would take the nomination; and I asked him if he was in earnest, and he said he was.

452. Q. Did you after that have conversations with members of the convention on that subject? If so, state with whom, and state the conversation.

(Objection as irrelevant and improper; it is not matter in rebuttal, and is reopening contestant's case, and incompetent.)

A. It was with Willard Johnson, of Fulton, and Mr. Remington, of Palermo or Volney. They were talking, and I approached them and said that George Kellogg was a candidate for member of Congress. Willard Johnson spoke up and said he (Kellogg) was there in the interest of Judge Mason. If he could get himself nominated, Judge Mason would have an easy walk over the course.

Recross-examination by Mr. SMITH:

453. Q. Is not Mr. Kellogg one of the prominent and leading Democrats of the county?—A. He claims to be a Democrat, but not a leading Democrat of the county.

454. Q. Is he not one of the active Democrats of the county?—A. I have never known him to take a very active part in a political canvass.

455. Q. Is he not frequently a delegate to Democratic conventions?—A. I never knew him to be a delegate.

456. Q. Was not Mr. Kellogg in favor of nominating a straight Democratic candidate for Congress that day?—A. From the conversation I had with him I judge he was.

457. Q. Where does Mr. Willard Johnson reside?—A. At Fulton.

458. Q. Was he a prominent member of the canal ring, which was denounced by Governor Tilden?—A. It is so claimed.

459. Q. Was not this same Willard Johnson mentioned by Governor Tilden as a fraudulent canal contractor in his message exposing canal frauds?—A. Not that I remember.

460. Q. Is it not understood that Willard Johnson was for several years one of the active members of the canal ring in this State?—A. Willard Johnson has been a canal contractor ever since I knew him. It is claimed that he is a member of the canal ring, and it has been so reported by the public press of the State.

461. Q. Was Mr. Johnson a member of this convention?—A. He was.

462. Q. Did you not understand that Johnson and George Kellogg, spoken of by you, were personally hostile or opposed to each other, or belonged to different factions of the Democratic party in their village?—A. I understand they were.

463. Q. You were committed to Mr. Duffy's indorsement before you went to Oneida, were you not?—A. I was all the time for Mr. Duffy.

464. Q. Has Mr. Duffy promised you any political appointment or favor, or did he make such promise to you prior to election last fall, in case he should be elected?—A. No, sir.

G. W. WOODS.

Subscribed and sworn to before me this 24th day of April, 1879.

CHARLES B. KING,

Notary Public.

*Deposition of Charles A. Clark.*

CHARLES A. CLARK, being sworn, deposed:

1. Question. What is your name, age, residence, and occupation?—  
Answer. Name, Charles A. Clark; age, 55; residence, Pulaski, N. Y.;  
occupation, banker.

2. Q. How long have you resided in the village of Pulaski, Oswego  
County?—A. Since January, 1846.

3. Q. With what banking institution have you been connected?—A.  
With the Pulaski National Bank.

4. Q. What office do you hold in that bank?—A. That of president.

5. Q. How long have you been such president?—A. Since September,  
1865.

6. Q. Previous to that had you been connected with another banking  
institution?—A. Yes, sir.

7. Q. What was the name of that institution?—A. J. A. Clark & Com-  
pany's bank.

8. Q. What were your official relations to J. A. Clark & Co.'s bank?—  
A. Cashier.

9. Q. How long were you cashier of J. A. Clark & Co.'s bank?—A. I  
don't recollect exactly, but probably about three years.

10. Q. Previous to that were you not a merchant doing business in the  
village of Pulaski? If so, how long?—A. From 1846 to the formation  
of J. A. Clark & Co.'s bank.

11. Q. Have you considerable acquaintance throughout the county?—  
A. I have some.

12. Q. Have you been more or less acquainted with the politics of the  
people in this immediate vicinity?—A. Some acquainted with it.

13. Q. Are you acquainted with Mr. Duffy, the Democratic candidate  
for Congress at last fall's election?—A. I am.

14. Q. How long have you been acquainted with him?—A. Since he  
came here to teach school.

15. Q. Will you please state what your politics have been and are?—  
A. I have been and am a Democrat.

16. Q. Did you vote for Mr. Duffy at the last fall election?—A. I did.

17. Q. So far as you know, did the other officers of your institution?  
(Objection as incompetent and improper, there being no proof in the  
case that there were any other officers.)

A. I suppose they did.

18. Q. Did you understand and do you now understand, and was it not  
understood generally among Democrats, so far as you know, that upon  
all the issues between Republicans and Democrats Mr. Duffy was  
in unison with the Democrats?—A. I do, and I did so understand; and  
such was the understanding of Democrats generally, so far as I under-  
stand.

19. Q. Has not Mr. Duffy always, so far as you know, been known as  
a stanch Democrat?—A. He has.

20. Q. Do you believe that any considerable number of Democrats in  
the village of Pulaski, county of Oswego, who were in favor of specie  
payments, entertained any fears that in case Mr. Duffy was elected he  
could by any possibility prevent the resumption of specie payment so  
long as the Republican and Democratic parties were in favor of it?—A.  
I don't believe they feared anything of the kind.

21. Q. Was there or have you heard of any regular organized oppo-  
sition to Mr. Duffy in the Democratic party?—A. I don't know of any.

22. Q. Upon the question as to the resumption of specie payments, as

you understand, there was but little difference between Democrats and Republicans?—A. There was but little difference.

23. Q. Your bank is located how far from where the polls were situated on election day?—A. Perhaps 150 or 200 feet.

24. Q. Did you attend at the polls much on election day at the first election district in Richland at the last fall's election?—A. I was out and in through the day several times; perhaps I was there two hours.

25. Q. Do you know of any Democrat who voted against Mr. Duffy?—A. I do not.

26. Q. State the feeling of Democrats so far as you know and believe in relation to the nomination of Mr. Duffy.—A. I think they were satisfied with his nomination and anxious that he should be elected.

27. Q. Previous to Mr. Duffy's nomination, were leading Democrats generally favorable to such nomination?—A. I think they were.

28. Q. Do you know whether Mr. Duffy has been a tax-payer here several years?—A. Yes.

29. Q. You have been acquainted with the reputation of the starch factory in the city of Oswego, and of the treatment of the employes of that institution in relation to their votes, have you not?—A. I am somewhat. I suppose that everybody considers that Mr. Kingsford controls their votes.

#### Cross-examination :

30. Q. You may state whether you have taken any active or prominent part in the politics of this county during the last ten years?—A. I have not.

31. Q. Have you ever paid much attention to political conventions and caucuses and machinery of the party?—A. I usually attend the caucuses, very seldom the conventions.

32. Q. Do you mean to say that you ever attend or take any interest in political caucuses outside of your town?—A. No.

33. Q. Have you ever been a delegate to a Congressional convention?—A. No, sir.

34. Q. Or a State convention?—A. No.

35. Q. Or to a Democratic county convention?—A. No.

36. Q. What political convention, if any, have you ever attended as a delegate?—A. I think I attended a "Know Nothing" county convention.

37. Q. How long ago?—A. From twenty to twenty-five years ago.

38. Q. Where?—A. At Union Square in this county.

39. Q. Have you ever attended any other political convention as a delegate?—A. I have not.

40. Q. Have you ever held any political office in this county or town?—A. No.

41. Q. Have you ever been a member of a Democratic county committee?—A. No.

42. Q. Or Congressional committee, or any other political committee?—A. No.

43. Q. Does not your business as a banker engross your time and receive your attention very closely?—A. I spend most of my time in the bank.

44. Q. Is not Mr. James A. Clark, your brother, the political man of the bank?—A. No; the bank has no politics.

45. Q. There are two election districts in the town of Richland, are there not?—A. Yes.

46. Q. Did you attend any, last election, at the polls in the second election district?—A. I am not sure that I did.



47. Q. You only attended at the polls here as a looker-on.—A. I went to vote, and voted.

48. Q. Did you distribute ballots or electioneer on that day?—A. I had tickets in the bank, and as different ones asked for votes I went in and got them.

49. Q. Did you work any at the polls or attempt to influence electors?—A. Not much.

50. Q. Were not the leading Democrats of the town very much interested in the election of their candidate for sheriff?—A. I think they were.

51. Q. Was your bank closed on election day?—A. Yes, sir; it was a legal holiday.

52. Q. Did you see Mr. Duffy at the polls that day?—A. I did.

53. Q. Was he engaged in distributing Greenback tickets among the electors?—A. I supposed he was, but I didn't know what tickets he had.

54. Q. Did you vote for any other Greenback candidate than Mr. Duffy?—A. I voted for him and Mr. Dowdle. I voted the straight Democratic ticket.

55. Q. Were not leading Democrats in the town much interested in the election of district attorney?—A. Democrats were opposed to the election of the Greenback candidate for district attorney.

56. Q. Were not the leading Democrats of the town very earnestly opposed to the election of the Greenback candidate for district attorney?—A. I suppose they were.

57. Q. Was it not known that the Greenback candidate for district attorney was formerly a Democrat, the same as Duffy claimed to have been?—A. I suppose it was generally known so.

58. Q. Did you not understand that Mr. Duffy was an active and zealous member of the Greenback party in this town and county, prior to the election last fall?—A. I understood he was a Greenbacker.

59. Q. Did you not understand that Mr. Duffy was one of the chief organizers of a Greenback club in this village?—A. I don't know as I did.

60. Q. When did you first learn that Mr. Duffy was an active member of the Greenback party?—A. Some time before election; I couldn't say.

61. Q. Did you hear of Mr. Duffy's nomination for Congress by the Greenbackers about the time it occurred?—A. I don't know; I presume I did.

62. Q. Are you now able to state when he received the Greenback nomination for Congress?—A. I can't definitely.

63. Q. Did he not receive the Greenback nomination prior to his indorsement by the Democrats?—A. I think he did, but can't say how long.

64. Q. Are you acquainted with Mr. J. W. Shea?—A. Yes, sir.

65. Q. Was he the Greenback candidate for district attorney last fall?—A. Yes, sir.

66. Q. Prior to the election last fall, did you not understand that Shea and Mr. Duffy stumped this county and made political speeches in behalf of the Greenback party and its candidates?—A. I don't understand that they were together, but that both stumped the county.

67. Q. Did you not hear or understand that Mr. Duffy made an extended and thorough canvass of this Congressional district in behalf of the Greenback platform and its candidates in the fall of 1878?—A. I supposed he did.

68. Q. Did not Mr. Duffy make a Greenback speech (so-called) in this village?—A. I don't remember that he did.

69. Q. Did you attend a Greenback meeting last fall at the courthouse in Pulaski?—A. I did.

70. Q. Was Duffy there?—A. I don't recollect seeing him there.

71. Q. Was Mr. Duffy advertised or posted to speak at a Greenback meeting in this village?—A. I don't recollect seeing any notice.

72. Q. Who addressed this Greenback meeting that you attended?—A. Mr. Shea was speaking when I came out.

73. Q. Did Shea in this speech advocate an inflation of the currency? (Objection, as immaterial.)

A. I presume he did; I don't recollect.

74. Q. And can you state whether Mr. Shea advocated the election of Mr. Duffy to Congress?—A. I don't recollect that he did.

75. Q. Will you swear that he did not?—A. I can't say; he might have spoken two hours after I came out.

76. Q. Did you not understand that Mr. Shea in his campaign speeches last fall very zealously favored and advocated the election of Mr. Duffy to Congress?—A. I understood that Mr. Shea advocated the election of himself. I do not understand that he worked zealously for Mr. Duffy.

77. Q. Was not the financial question the leading issue in the political canvass last fall?—A. So far as the Greenbackers were concerned, I supposed that was their point.

78. Q. Was not the financial question the main topic discussed in the campaign speeches in this State last fall?—A. I presume it was discussed in most of them.

79. Q. Was not the financial question the main subject discussed in the political papers?—A. It was discussed.

80. Q. What other question was discussed?—A. I don't remember.

81. Q. What was the position of the Democratic party on the resumption of specie payment?—A. My impression is they were in favor.

82. Q. What was the position of the Democratic party on the question of inflating the currency, or issuing more paper money in this State last fall?

(Objection, that the platform is the best evidence.)

A. I think they were not in favor of it.

83. Q. What was the position of the Democratic party in this State, last fall, in regard to the continuance of the national bank system?—A. I don't remember.

84. Q. Did you not understand that Mr. Duffy was in favor of and advocated the repeal of the resumption act, in his speeches?—A. I suppose he did; I don't know.

85. Q. But you did understand that it was a cardinal plank in the Greenback platform, did you not?—A. I don't know as I have read the platform, but suppose it was.

86. Q. And did not the Greenback party advocate the issuing of a large quantity of paper money?—A. I understood it so.

87. Q. Did you not understand that the Greenback party advocated the abolition of the national banks?—A. That is the way I understood it.

88. Q. You did understand that Mr. Duffy advocated and favored these Greenback doctrines?—A. I did.

89. Q. The Democratic party, then, in their platform and claims, were directly opposed to the principles or doctrines of the Greenback party, were they not?—A. They were on all financial principles.

90. Q. Can you state any doctrines or theories in which the Demo-

cratic and Greenback parties were in accord?—A. I don't know as I can.

91. Q. Were not the leading Democrats of this State in favor of hard money, so-called?—A. I suppose so.

92. Q. Were not most of the leading Democrats, in this town, known as hard-money Democrats, last fall?—A. I suppose so; that is the way I understood it.

93. Q. Were not most of the Democrats, in Oswego County, in favor of hard money, last fall?—A. I could not say.

94. Q. Does not your devotion to your business prevent you from paying much attention to politics?—A. Not so much that as my distaste for politics.

95. Q. Was there not, then, a direct antagonism between the views of Duffy and the views and opinions of leading Democrats in this town, last fall?—A. I think there was on the finance question.

96. Q. Do you remember at what time the Democratic convention was held?—A. I do not.

97. Q. Previous to his nomination or indorsement by the Democrats, can you mention the names of any prominent Democrats, in this town or county, who advocated the nomination of Duffy by the Democratic convention?—A. I can't mention any names, but I heard talk about it, that they were anxious to have him nominated.

98. Q. What Democrats did you hear talking about it?—A. I don't remember the names.

99. Q. Did you hear Democrats, in this town, express their hostility to Duffy's nomination prior to this convention?—A. I don't remember that I did.

100. Q. As I understand you, then, you did not discuss the nomination and election of Mr. Duffy much?—A. Not much.

101. Q. Did you believe Mr. Duffy to be sincere, or in earnest, in his advocacy of the Greenback doctrines and candidates?—A. I believe he was a Greenbacker, out of policy.

102. Q. If you had supposed that Mr. Duffy, by his election to Congress, would have brought about a repeal or change in the present financial legislation, could you, consistently, as a hard-money Democrat, have supported him?—A. So far as I am personally concerned, I would.

103. Q. On election day you understood that Mr. Duffy still professed to be an ardent Greenbacker?—A. I supposed he was, as much as ever.

104. Q. After Mr. Duffy's nomination or indorsement by the Democrats, did you not hear Democrats in this town speak unfavorable of his nomination?—A. I don't recollect of any.

105. Q. Can you mention the name of any prominent or leading Democrat, in this town, whom you heard speak favorably of his nomination?—A. I don't know as I can.

106. Q. Did you ever hear Sheriff Low speak of it?—A. I don't recollect.

107. Q. Can you mention the names of any prominent Democrats whom you saw at the polls, on election day, working for Duffy?—A. I supposed they were all working for Mr. Duffy. Mr. King, for one; my brother, Mr. James A. Clark, was another.

108. Q. Can you specify the names of any other persons?—A. Anson R. Jones.

109. Q. Any one else?—A. I cannot mention any.

110. Q. If you had known, previous to giving your testimony on the direct examination, that over twenty-five Democrats, in this town alone,

refused to vote for member of Congress at the last election, could you have consistently stated that Duffy's nomination was favorably received in this town?—A. I think if twenty-five voted against him, it was on personal not political grounds; there are a few men here who would like to burn him; but on personal grounds; some Democrats and some Republicans.

111. Q. What was the ground of this opposition?—A. I think some personal matters, which I decline to mention.

112. Q. Have you any acquaintance with the starch factory?—A. No personal acquaintance.

113. Q. Are you acquainted with Mr. Kingsford?—A. No, sir.

114. Q. Are you acquainted with any of the employes?—A. No, I am not.

115. Q. Did you ever have any acquaintance with any person or persons who have been employed in the starch factory?—A. I knew a man by the name of Adkins who worked there; he was a mason.

116. Q. Is he the only person who has been employed in the starch factory with whom you have personal acquaintance?—A. He is the only one.

117. Q. Did you ever have any conversation with Mr. Adkins as to the political influence of the starch factory?—A. I don't recollect any.

118. Q. The starch factory, by reputation, is a large and prosperous establishment in Oswego, isn't it?—A. I suppose so.

119. Q. You never learned from any employé in the starch factory that Kingsford controlled or attempted to control any of his men?—A. No, sir.

120. Q. Then, of course, you have no knowledge on the subject?—A. Not personally.

121. Q. The statement you made, on your direct examination, about the reputation of the starch factory, was based on rumors?—A. Yes.

122. Q. And you know nothing about the truthfulness of these rumors?—A. No.

123. Q. Were you ever in the starch factory?—A. No.

124. Q. I suppose you will not undertake to say how many electors in this town those Democrats who were ready to burn Duffy, as you have stated, may have influenced?—A. I don't think they influenced many. I don't think they had much influence.

125. Q. Did you or did you not hear Sheriff Low express himself unfavorably to the nomination of Duffy by the Democrats, before election?—A. I don't recollect that I did.

126. Q. Did he afterwards?—A. I have heard him speak of him since.

127. Q. Did he speak unfavorably of him in relation to his candidacy for Congress?—A. He said he didn't vote for or against him.

128. Q. Did he disapprove of his nomination or indorsement?—A. The inference would be that he was not pleased with the nomination, as he did not vote for him.

129. Q. Dr. Low is one of the leading and most prominent Democrats in this town, isn't he?—A. He is one of the leading Democrats.

130. Q. Is he not one of the most active Democrats?—A. He is one of the active Democrats.

131. Q. He was sheriff and one of the jailers of the county at the time of last election?—A. Yes, sir.

132. Q. Is he also a leading physician?—A. Yes, sir.

133. Q. And has he not had an extensive ride and practice in this and adjoining towns for many years past?—A. Yes, sir.

134. Q. Do you know how far a knowledge among his friends that so

prominent a Democrat as Dr. Low refused to support Mr. Duffy for Congress influenced those friends and acquaintances?—A. I don't know.

135. Q. Do you know Dr. Low's son Frank?—A. Yes, sir.

136. Q. Is he a Democrat in his politics?—A. I think he is.

137. Q. Was he a voter in this town last fall?—A. I am not sure.

138. Q. Do you know his son, Jesse B. Low?—A. Yes.

139. Q. Did he vote here last fall?—A. I heard he did.

140. Q. Do you understand that his politics were Democratic?—A. I don't know about his politics; it was his first vote, I think.

141. Q. Did you not understand that both of Dr. Low's sons voted at the last election?—A. No, I did not. I don't know about Frank's voting, but the other one did, as I heard.

142. Q. Was not Frank Low residing with his father at the time of the last election?—A. I don't remember.

143. Q. Can you swear that both of those young men did not vote for Duffy?—A. I cannot.

144. Q. Did you not hear or know that Dr. J. N. Betts, Samuel Crippen, Wesley Woods, and William June, Samuel Palmer, Hiram Beringer, of Port Ontario, and Albert Wright, of Richland Station, expressed themselves unfavorable to the election of Mr. Duffy before election?—A. No, sir.

145. Q. Do you know that either of those gentlemen did not express himself as dissatisfied with Duffy's nomination?

(Objection same as before.)

A. I don't know anything about it; they might have done it a hundred or a thousand times and I not know it. I couldn't be around with them all the time.

146. Q. Were you outside the corporation of Pulaski during the months of September and October last; if so, where?—A. I think I was; I may not have been.

147. Q. Did you spend any time or one moment of time in ascertaining what the sentiments of Democrats were as to the indorsement of Duffy for Congress by the Democrats with that purpose in view?—A. I have listened to Democrats when I have heard them talking of it.

148. Q. Did you put forth any effort to ascertain the views and feelings of Democrats on that subject?—A. I don't know that I did.

149. Q. Did you ever hear any Democrat say that he was pleased with the nomination of Duffy?—A. I never heard any one make use of that expression.

150. Q. Did you ever hear any Democrat say that Duffy's nomination was a popular one in Democratic circles?—A. No; I am satisfied that I never heard any one say that the nomination was popular.

151. Q. Please mention the names of any person or persons whom you heard speak on the subject?—A. I wouldn't try to recall names.

152. Q. Can you state one name from your present recollection?—A. I can't name any names.

Redirect examination:

153. Q. Did you hear Democrats say it was a good nomination?

(Objected to as leading and not in rebuttal.)

A. I heard Democrats express themselves that it was a good nomination.

154. Q. Do you know whether Dr. Low was at the polls at all on election day except to vote?—A. I don't know; I don't recollect seeing him.

155. Q. Did you ever hear that previous to the election Mr. Duffy had spoken disrespectfully of the Democratic party?

(Objected to as immaterial.)

A. No.

156. Q. Did you hear any Democrat make it an objection to voting for Duffy on account of any connection of his with the literature fund?—A. I think not.

Cross-examination:

157. Q. You do not regard yourself as a politician in any sense of the term?—A. No, sir.

158. Q. Do you allow yourself in any way to enter political discussions as a rule?—A. Very seldom.

159. Q. You put forth no particular efforts to ascertain the state of the public pulse?—A. No.

160. Q. Your opinions, then, were predicated simply upon casual remarks made in your presence?—A. No, sir.

161. Q. And they were confined mainly to the partisans and supporters of Mr. Duffy in your town, were they not?—A. Yes; and what I read in the papers.

162. Q. And the papers took a partisan view of the matter, one side supporting and the other opposing Mr. Duffy?—A. Yes, sir.

163. Q. You don't think, I suppose, that in a political campaign much dependence can be placed on a partisan paper either in its extolments or its assailments of political candidates?—A. No; not a great deal.

164. Q. Coming down to the real question itself, you don't profess, do you, to have any very thorough knowledge as to the general pulse of the county at last fall's election?—A. No; I don't know as I do.

Redirect examination:

165. Q. But from your position as banker do you necessarily come in contact with a great many men?—A. Quite a good many.

C. A. CLARK.

Sworn and subscribed to before me this 21st April, 1879.

CHARLES B. KING,  
Notary Public.

*Deposition of James A. Clark.*

JAMES A. CLARK was then called on the part of the contestee, who, being sworn, testified as follows:

1. Question. What is your name, age, residence, and occupation?—Answer. James A. Clark; my age is fifty-seven years; residence, Pulaski, N. Y.; and occupation, a banker.

2. Q. How long have you been a banker?—A. Over fifteen years.

3. Q. With what bank are you now connected?—A. The Pulaski National Bank.

4. Q. What is your position with reference to the bank now?—A. Cashier.

5. Q. How long have you been such cashier?—A. Since the bank started; fourteen or fifteen years.

6. Q. Are you acquainted with Mr. Duffy, the Democratic candidate for Congress at last fall's election?—A. I am.

7. Q. How long have you been acquainted with him?—A. About ten years.

8. Q. How long have you resided in Pulaski?—A. Thirty-four years.

9. Q. Your politics are what?—A. Democratic.

10. Q. Whom did you support last fall for member of Congress?—A. Mr. Duffy.

11. Q. State whether you are pretty extensively acquainted with the Democracy in the county.—A. I am somewhat acquainted with it.

12. Q. And are you not well acquainted with it in this assembly district?—A. I am somewhat acquainted with it.

13. Q. Were you in favor of Mr. Duffy's nomination by the Democratic Congressional convention at Oneida last fall?

(Objected to as immaterial, incompetent, and not rebuttal. Objection overruled.)

A. I was.

14. Q. State how his nomination was received here by the Democrats generally?—A. I thought it was well received.

15. Q. Was it not understood generally among Democrats, as far as you know, that upon all issues between Democrats and Republicans Mr. Duffy was in unison with the Democrats?

(Objected as before; further, it is leading.)

A. As far as I know, he was.

16. Q. Has not Mr. Duffy always, so far as you have understood, been known and regarded as a staunch Democrat?—A. He has since he has been here.

17. Q. Do you believe that any considerable number of Democrats in the village of Pulaski, Oswego County, who were in favor of specie payments, voted against Mr. Duffy?

(Objected to as before.)

A. I don't think they did.

18. Q. Was there any regular organized opposition among Democrats to Mr. Duffy in this town?—A. I didn't know of any.

19. Q. Did you attend at the polls on election-day; if so, at which district in Richland?—A. I did; at district No. 1.

20. Q. Were you there most of the day?—A. I was.

21. Q. Did you know of any Democrat that voted against him that day?—A. I did not.

22. Q. Do you know whether he has been a tax-payer?—A. Yes; he has been for several years.

23. Q. Are you a member of the board of education of the village of Pulaski?—A. I am.

24. Q. How long have you been such member?—A. Over twenty years.

25. Q. During all that time have you acted as the treasurer of that board?—A. I have.

26. Q. State whether the benefit which the Pulaski Academy receives from the literature fund comes into the hands of the treasurer of the board of education.—A. It does.

27. Q. From whom does the treasurer receive it?—A. From the regents of the university at Albany.

28. Q. How long has Mr. Duffy been the principal of the Pulaski Academy?—A. I think about ten years.

29. Q. He was at first hired for how long?—A. One year.

30. Q. How long was the next bargain for?—A. Five years.

31. Q. And the third period of hiring was for how long?—A. As I understand it, for five years more.

32. Q. You have heard what some of the witnesses said in relation to alleged irregularities of Mr. Duffy in relation to the regents' examination?—A. I have heard the rumors in reference to it.

33. Q. Do you recollect the occasion when a committee of the regents went through this portion of the State to visit the academies?—A. I

recollect Mr. Woodworth and some others of the regents being here, but I don't recollect the time.

34. Q. Did you talk with them?—A. I went to the hotel with them and with the trustees, and we had a general talk with them.

35. Q. Do you recollect whether there was talk there about the Pulaski Academy having drawn a somewhat larger amount than usual the preceding year?—A. I think there was talk about it.

36. Q. Did you understand that they went away satisfied with the explanations made?—A. I did.

37. Q. Will you state how the prosperity of the school was affected by Mr. Duffy's coming into the school as principal?—A. After he had been here a year or two, the school was the largest it had ever been.

38. Q. Have you heard of any impropriety or wrong being alleged in relation to drawing from the regent's fund for any year other than the year preceding that in which the committee of the regents visited the academy?—A. I have not.

39. Q. Did you ever know or hear previous to this examination before these notaries of any person voting against Mr. Duffy, or declining to vote for him, by reason of any connection which he had with such regents' examination, or his connection with the literature fund?

(Objection as immaterial.)

A. I do not; I don't know of any.

40. Q. Did you hear it charged or claimed in the late campaign that Mr. Duffy had stated that the Democratic party was corrupt, or anything to that effect?—A. I did not.

41. Q. Or that he spoke disrespectfully of Democrats or the Democratic party?—A. I heard nothing of the kind.

42. Q. You have heard of the starch factory in the city of Oswego, and that a large number of men were employed there?—A. I have.

43. Q. What have you understood or what is the understanding of Democrats generally in relation to the vote of the employés of that institution being required or compelled to be cast in a particular direction?

(Objected to as immaterial, incompetent, and not rebuttal, but reopening the contestant's case. Contestee here gives notice that as to all such new matter brought into the case, and as to all matter which is not rebuttal, he shall claim the right to reply at the proper time.)

A. The report or rumor is that they are.

44. Q. Is that generally believed by Democrats, as you understand it?

(Objected to as before.)

A. It is by some.

Cross-examination:

45. Q. Did you learn some time before Sebastian Duffy received his indorsement from the Democrats that he was already in the field as the candidate of another party for the same office?—A. I did.

46. Q. And what party did you understand was so far in accord with his political views as to place him in nomination in the first instance?—A. I understand he was nominated by the Greenbackers.

47. Q. What did you understand to be the differences existing between the Greenback party and the Democratic party in this State, if any, on the financial issue?—A. One hard money, the other paper money.

48. Q. One was in favor of the resumption of specie payments and the other opposed to that resumption and in favor of inflation of the currency, were they not?—A. I so understand it.

49. Q. Which side of that issue did the Republican party favor, as



you understand it, in this State?—A. A majority of them, I presume, were for resumption.

50. Q. Did not the Democratic party at its last State convention declare in favor of resumption?—A. I don't know that they did.

51. Q. I will call your attention to the first and second paragraphs of the Democratic platform, as found in the New York Evening Express Almanac, at page 281, and to the following language adopted at Syracuse September 26, 1878, viz: "The Democratic party of the State of New York reaffirms the following principles set forth in its platforms adopted in 1874 and in 1877 and indorsed by a large majority of the people of this State, to wit: Gold and silver coin, and paper convertible into coin at the will of the holder, the only currency of the country; steady steps towards specie payments; the honest payment of the public debt." Do you recognize those declarations as the voice and pledge of your party, in 1874, 1877, and reaffirmed at the last State convention?—A. Those resolutions were passed at the last State Convention; that is all I can say.

52. Q. I will now call your attention to the preamble found at the head of the Greenback platform of this State, adopted July 24, 1878: "Whereas the so-called Democratic and Republican parties have legislated in the interest of the money power of this country and Europe and against the interest of land and labor, which are the sources of all wealth, therefore we assert our complete independence of said parties, and declare our entire confidence in and adhesion to the National Labor (Greenback) party, which name is hereby adopted by us, and the following are the principles enunciated to guide us in the government of the State and nation, should Providence permit us to attain the same: 1st. The Greenback dollar must be a full legal tender for the payment of all debts, public and private, and by the government issued, protected, and received as absolute money. 2d. We declare that all acts of Congress changing the original bond contract, to wit, of 1869, 1870, and 1873, and the resumption act of 1875, were enacted without consent, privity, or procurement, and were and are a fraud upon the rights of the people; therefore we demand the immediate calling in and payment of all bonds in absolute paper money without regard to the time they may have to run on their face, and no further issue by the government of any bonds." Do you not recognize these two as the first and foremost planks contained in the Greenback platform, promulgated at their State convention in this State in July last?—A. I don't know whether they are or not. I don't remember ever reading them.

53. Q. Would you regard any member of the Democratic or Republican parties, who adopted the sentiments here set forth, boldly proclaiming against both of those parties and of having enlisted under the banner of inflation and the Greenback party, as still entitled to the respect and support of either of the old parties?—A. I voted for Mr. Duffy, thinking he was good enough a Democrat for me.

54. Q. Did you regard the Democratic party and the Greenback party as occupying one common ground or as being hostile to each other on the financial question in this State?—A. I don't think they were particularly hostile, but they didn't act on the same platforms.

55. Q. Was not the Democratic party of this State divided in sentiment upon the financial question?—A. I think they were some divided.

56. Q. Were not the majority of the Democratic party in this State of that class known as hard-money Democrats?—A. Their State convention passed that resolution.

57. Q. Did not the Democratic press of the State stand by those resolutions?—A. I think they did.

58. Q. Was not the financial issue at last fall's election the most prominent issue in the campaign?—A. It was one of the prominent public issues.

59. Q. Was not the Republican party in that issue, as you understood, in accord with the Democratic party in this State?—A. Very similar.

60. Q. Were not the hard-money organs of the Democratic party, like The New York World, The New York Sun, The New York Herald, The Albany Argus, The Utica Observer, The Syracuse Courier, and the Democratic Press generally, as you understand, the most powerful agency brought to bear in favor of that issue and of those resolutions throughout the States?—A. I do not know as I read any of those papers except the New York Herald.

61. Q. Do you not understand or believe that those leading organs have a wide and extended circulation throughout the county of Oswego as well as the other counties of the State?—A. I have no doubt they have more or less circulation in Oswego County; to what extent, I don't know.

62. Q. Nor do you know, I suppose, how far that silent influence through daily and weekly issues decided the subscribers for those papers to vote in favor of Mason and hard money?—A. I don't think they influenced many men to vote for Mason.

63. Q. Do you know the effect of those papers?—A. I don't know, of course.

64. Q. Did you take an active part in the campaign on the Congressional question prior to election day?—A. Not particularly active.

65. Q. Did you devote an hour to the general campaign?—A. I think I did.

66. Q. In what manner did you devote that hour?—A. Talking with my friends.

67. Q. Did you go outside of your own village?—A. I did; I went to Parish perhaps a week before election.

68. Q. Did you go there on business connected with election?—A. I went to see some political men.

69. Q. Who did you see?—A. I think I saw Dr. Green and two or three others.

70. Q. Did you lay any pipe?—A. No.

71. Q. You have never complained of the majority which Duffy received in that town?—A. I thought he did well.

72. Q. Did you go to another place except Parish on campaign business?—A. I went to Albion, about a week or ten days before election.

73. Q. Who did you confer with there?—A. Washington T. Henderson and Noble Hazzard; some others, perhaps.

74. Q. And you have never seriously complained of that town, have you?—A. No.

75. Q. Did you visit any other town?—A. I don't recollect. I didn't do much in politics last year.

76. Q. And what you did do was more particularly in aid of Mr. Gardener for sheriff, wasn't it?—A. Yes.

77. Q. And what you did on election was more especially done in the interest of the sheriff?—A. When I couldn't get a man on only one I got him on what I could.

78. Q. Was the election orderly and quiet?—A. I think it was.

79. Q. Did you see any indication of unfair or corrupt means being used by either side?—A. I did not.

80. Q. Did you know that Samuel Crippen, Samuel Palmer, Albert

Wright, and Hiram Bettinger opposed the election of Mr. Duffy?—A. I did not.

81. Q. Did you learn of it after election?—A. Yes.

82. Q. Did you know that Dr. Betts and his son voted for Judge Mason?—A. I did not.

83. Q. Did you know that Dr. Low declined to vote for Mr. Duffy?—A. I was told by the board that he did not vote for Congress.

84. Q. Did you know that William June, a merchant of this village, supported Judge Mason?—A. I did not.

85. Q. Have you heard so since the examination commenced?—A. Yes; but not from him.

86. Q. Do you know of Wesley Wood having voted for Judge Mason?—A. No, sir.

87. Q. Do you know he did not?—A. I don't know how he did vote.

88. Q. There was, as I understand you, some little sensation at one time over alleged interference by Mr. Duffy with the students, relating to their examinations and the charge he had profited thereby, or was likely to profit thereby, out of the literature fund of the State?—A. There were some such rumors.

89. Q. And, as you understood, the status of these examinations was of such character as to attract the attention of the regents of the university of Albany?—A. I don't know how that was.

90. Q. Was there not one examination where the examinations were sent forth to Albany and the regents declined to grant the certificates?—A. Not to my knowledge.

91. Q. Will you state that such was not the case?—A. I couldn't say.

92. Q. Did not the feeling on that question assume such local magnitude that the Rev. Mr. Douglass, who was a member of the examining committee, severely criticised the action of Mr. Duffy, and, as a result, do you not understand that Mr. Duffy ceased attending at that church over which he presided in this village?—A. I did not know that he left on any such ground or at that time.

93. Q. Did you hear that Mr. Douglass had criticised Mr. Duffy's conduct in connection with these examinations with very great severity?—A. I did not.

94. Q. It was remarked by A. R. Jones this evening, while you were giving your testimony in chief, and in your presence, that the Republicans created a great howl in this town about election time over these examinations. Do you concur in that remark?—A. I do not.

95. Q. Then you heard nothing or very little said about it?—A. I don't remember hearing anything said about it.

96. Q. Were there not articles published in the Republican papers of the county and by correspondents from this village reflecting upon Mr. Duffy on matters relating to those examinations?—A. I didn't see any such, and don't know as I heard of any such.

97. Q. You don't take Oswego Times, nor the Mexico Independent, nor the Fulton Patriot?—A. No.

98. Q. Then you do not know to what extent those papers assailed Mr. Duffy in the matter of those examinations?—A. I do not.

99. Q. How do you account for Anson R. Jones, a man so warmly interested in behalf of Mr. Duffy, and one of the delegates who nominated him, and a resident of this village, having spoken this evening, and while you were giving your evidence in chief, and charged the Republicans in this village with having got up a great howl last fall over the school question, if nothing was said?—A. I go home at 4 o'clock,

and stay there till next morning, and he may have heard things that I didn't hear.

100. Q. Did you not understand that Mr. Duffy stumped the county both of Oswego and Madison in the interest of the Greenback ticket?—

A. I think he stumped in his own behalf as well as the Greenback.

101. Q. Did you not hear of his stumping the county in behalf of the Greenback party for considerable time before the Democrats indorsed him?—A. I don't know.

102. Q. Did you know of his consorting with one Galen Onderkirk, editor of the Greenback organ at Oswego, visiting Greenback delegates, with that gentleman attending the Greenback convention which placed him in nomination, defraying the expenses of the delegates to that convention, and when nominated appearing before the convention, thanking the delegates for the favor they had shown him, making a rousing Greenback speech, roundly abusing both of the other parties, and pledging himself, if elected, to work and act in favor of the Greenback party and principles?—A. I did not.

103. Q. Had you known those facts to have existed, would you still have had faith in him as a Democrat and given him your support?—A. I should, for I had the faith that he would act with the Democratic party at Washington.

104. Q. Would you have believed him capable of any less deception or possessed of a greater degree of political honesty because he was in Washington?—A. I don't know as it would make any difference.

Adjourned to 9 a. m. April 22.

Tuesday, 9.15 a. m. Parties appeared by their counsel, and witness JAMES A. CLARK continued.

105. Q. If I understand you correctly, you believed Sebastian Duffy was not sincere in his professed adhesion to and advocacy of the Greenback party; am I correct?—A. I think in case Mr. Duffy had been elected the Greenback party would have been in minority, and he would have voted with the Democrats.

106. Q. But you understood the Democrats of the West and of the South were more or less in the sympathy and support of the Greenback idea on the financial question, did you not?—A. I did.

107. Q. Did you expect that Mr. Duffy on all matters relating to finance would abandon the inflation issue of the Greenback party, if elected to Congress, as that issue should be supported and strengthened by the soft-money Democrats of the West and South, and that he would act with the hard-money Democrats of this State and the Republicans who were in harmony with them on that issue?—A. I thought Mr. Duffy would act for what he thought would be the best interest of the country.

108. Q. But was he not daily proclaiming his views upon that question, and telling the people of this Congressional district that he already believed in this inflation doctrine, and was opposed to the resumption of specie payments, and was opposed to the national banking system, and was in favor of immediately calling in the outstanding bonds of the government, and of paying them by an issue of irredeemable paper currency, as you understood?—A. I never heard Mr. Duffy express himself on the subject.

109. Q. Had you known him thus to define his position, would you have believed that he was sincere and would carry out those pledges to the best of his ability if elected?—A. I have no doubt he would have carried them out the same as other people elected to the same position.

110. Q. Then you have no doubt, have you, that he would have given his influence to the soft-money side of this question?—A. I can't tell what he might have done.

111. Q. Do you not understand that this great question of finance, as championed by Samuel J. Tilden, Senator Bayard, and their friends, on the one side, and by Senator Thurman and many of the leading Democrats of the West, upon the other side, is likely to become a test of strength in the next Democratic National Convention, do you not?—A. That is a hard question to answer; it may, or may not.

112. Q. Do you not understand that during the past year and at the present time the political outlook indicates such a contest?—A. I don't know as it does any more than formerly.

113. Q. Do you not understand that Mr. Tilden is emphatically a representative of the hard-money side of this question?—A. I suppose he is.

114. Q. And you also understand, do you not, that there is a strong sentiment prevailing in Democratic circles in this State favorable to his becoming the nominee of the Democratic party for President of the United States in 1880?—A. I think the State of New York is very evenly for and against him.

115. Q. You regard the support of the State of New York in the next Democratic national convention as indispensable to the success of Mr. Tilden, if that gentleman receives the nomination?

(Objection as entirely immaterial.)

A. I don't think he will be a candidate in the United States convention unless the New York delegates are for him.

116. Q. You do not understand, do you, that Mr. Tilden and his friends are materially strengthened by the increased development of the Greenback or inflation idea in this State?—A. I can't say, as to that, what the effect would be.

117. Q. You understand, do you not, that Senator Thurman's name is prominently used in the light of a prospective candidate for the Democratic nomination for President in 1880, and by the soft-money wing of that party?—A. I understand that he is talked of, more or less, by all Democrats.

118. Q. Do you not understand that the soft-money Democrats, more particularly, favor Mr. Thurman's nomination?—A. It is possible they do.

119. Q. Do you not regard it, then, as quite indispensable on the part of Tilden and his friends that the growing sentiment of inflation in this State be repressed as essential to his own success?—A. I don't think the nomination in this State of Mr. Tilden has anything to do with hard or soft money, or that it depends on that question.

120. Q. Would you, knowing the political situation in this State, regard it as an element of strength among the Tilden wing of the Democracy for a candidate on the Democratic ticket and on the Greenback ticket to proclaim himself publicly as a Thurman Democrat?—A. I don't think it would make any difference. I think whoever is nominated the Democrats will support him.

121. Q. But you are not sustained by past experiences, are you? Did not Horace Greeley, when nominated by the Democracy in 1872, fall very far behind his ticket, and was not that emphatically true as to this county?—A. Mr. Greeley had always been a Republican, and the Democrats, of course, did not unanimously support him. I assume that the Democratic national convention will nominate a Democrat.

122. Q. But has not political treason ever been visited with the severer punishment, and when Mr. Duffy espoused the cause of the Greenback party, and declared his complete independence of the Democratic party

and entire confidence in and adhesion to the National Greenback Labor party, and took the field in opposition to the party with which he had been so long allied, was he not in a less favorable position, so far as commanding Democratic support, even than Horace Greeley ?

(Objection, that it is incompetent and immaterial. The question assumes that Mr. Duffy declared his independence of the Democratic party, which is not true; but he has always expressed his confidence in and adherence to that party, and such the evidence shows to be his position.)

Contestee's counsel says that directly the contrary is shown by the evidence, as well as the position taken by Mr. Duffy, and every speech he made during the campaign.)

A. Knowing Mr. Duffy as I do, I should vote for him under the same circumstances again.

123. Q. Do you regard that as a fair answer to my question ?—A. That is the best I can answer.

124. Q. But you do not assume to say that very many of the people of this Congressional district have the advantages of so desirable a personal acquaintance with Mr. Duffy.—A. I suppose the whole district does not.

125. Q. You understand, do you not, that this Duffy had never resided in Oswego County until he came to take charge of the school in this village ?—A. I do so understand.

126. Q. You never knew him to attend a political convention, make a political speech, or to be in counsel with the political leaders of any political party.—A. I have known him to attend several of the Democratic caucuses in this town since he has been here.

127. Q. Did you know of his doing anything more in the line of politics than to come into the caucus in the village or to vote at the election until last fall ?—A. I did not.

128. Q. Then you did not understand him to be a politician in any sense of the term, did you ?—A. I know that Mr. Duffy has advocated the Democratic ticket.

129. Q. Where and to what extent ?—A. I have frequently heard him talking in the book-store, years back.

130. Q. Did you ever know of his spending a day at the polls or doing more than to cast his vote previous to this last campaign ?—A. I never did.

131. Q. Have you never learned how Mr. Duffy, on election day, when a voter came to the polls to vote in this town, was reminded by Burns E. Parkhurst that he, the elector, was about to vote the Democratic ticket, and pointed to the Congressional ticket with Mr. Duffy's name on, and to the fact that said voter then and there declared his desires not to vote the Democratic ticket; whereupon Mr. Duffy, in the presence of the board of inspectors, then and there declared to such electors that he, Duffy, was no Democrat; had no sympathy with the Democratic party; but was an out and out Greenbacker and was the Greenback nominee, and excused himself by saying that he was not responsible for being on the Democratic ticket ?—A. I never heard of it before.

132. Q. Is it not a well-known fact in this town, that on the last day for contestee to take depositions, contestant prevented contestee from calling said Burns E. Parkhurst or any other person upon that question. by delay and extended cross-examination, till contestee's time had expired ?—A. It is not.

133. Q. Do you mean to say by that that you know it is not so ?—A. I have never heard any such thing.

134. Q. You stated on your direct examination that Mr. Duffy had been a taxpayer; to what extent and how long?—A. \$500 on personal property; it was formerly that; I don't know what it is now.

135. Q. Do you understand Mr. Duffy to be a man of considerable means, but that his money is invested in Madison and Herkimer Counties?—A. I understand it so.

136. Q. Was not the school in this village farmed out to Mr. Duffy, and all the proceeds arising therefrom, including all moneys to be drawn from the literature fund, to belong to him when drawn, whatever they might be?—A. The money that is received from the State is received by the treasurer of the board of education and paid to Mr. Duffy on an order from the board.

137. Q. Who does the increase or diminution of the moneys drawn from the regents affect pecuniarily?—A. The more we get, the more money Mr. Duffy gets for his services from the board.

138. Q. Does it affect any one else?—A. No, sir.

139. Q. Did the other institutions of learning in the county, as you understand, become instrumental in raising this question before the regents?—A. It is so rumored.

140. Q. Have you the treasurer's books showing the amount received each year from the regents' fund?—A. Yes, sir.

141. Q. Will you produce them, that the amounts may go upon the record in this case?—A. Yes, sir.

142. Q. Was not the amount, as you understand, drawn by Pulaski Academy, at the time complained of, very largely in excess of the amount paid to the other institutions in the county, respectively?—A. I think it was.

143. Q. The schools entitled to draw from this fund, as you understand at this time, are located at Oswego City, the village of Fulton, in the towns of Volney, Mexico, Sandy Creek, and Pulaski, are they not?—A. Yes, sir.

144. Q. There are similar institutions, as you understand, in Madison County?—A. Yes, sir.

145. Q. Was not the augmentation of this fund, as compared with the amounts paid to other institutions, in effect, to give increased character and standing to the institution, and by such to increase the patronage over that of the other institutions?—A. I think it did.

146. Q. And this increased patronage enured to the pecuniary benefit of Mr. Duffy, as well as the augmentation of the amount received from the literary fund itself?—A. It did.

147. Q. And the complaint, as you understood, against Mr. Duffy rested in the charge that both he and his wife had prompted those students to answer the questions propounded by the regents, and had thereby caused the inefficient and incompetent in the Pulaski school to pass the regents' examination, and then by the retention of such pupils in the Pulaski school to both increase the standing of the school and augment the allowances awarded to that school by the regents of the university?—A. There were such rumors by those who were opposed to our school.

148. Q. And were not these rumors at the time currently reported both in this village and throughout the town?—A. I can't say to what extent they were.

149. Q. Were not the trustees of Pulaski school as well as Mr. Duffy threatened with prosecution by the regents of the university?—A. Not to my knowledge; I never heard of such a thing.

150. Q. Do you now say that the board of education were not threat-

ened with suit to recover back money paid upon these alleged fraudulent examinations ?—A. Same answer as to above.

151. Q. Did not the secretary of the board of regents thereafter visit the academy and conduct the examination in person ?—A. I understand that the committee were there with him. I don't know how it was.

152. Q. How many students do you now understand attend that school ?—A. I don't know how many.

153. Q. Have you not understood that the attendance is only twenty-two ?—A. I may have heard it since I was sworn here; not before.

154. Q. I understand you to say you never heard Mr. Duffy address any political meeting in your life ?—A. No, sir.

155. Q. Did you ever hear any person who had heard him speak detail the substance of his remarks ?—A. No, sir.

156. Q. Was you ever in the Oswego Starch Factory in your life ?—A. No, sir.

157. Q. Have you any personal acquaintance with Mr. Kingsford or any of his foremen ?—A. I have none; don't know any of them.

158. Q. You have been a subscriber to the Oswego Palladium how many years ?—A. I think twenty.

159. Q. Is not your knowledge as to the Oswego Starch Factory, whatever that knowledge may be, derived mainly from what you have read in that paper ?—A. It may be in part.

160. Q. Did you read what was said in Republican papers on the same subject ?—A. I presume I have. I don't recollect.

161. Q. Did they not deny with equal emphasis the charges made in the Palladium ?—A. I have never read but very little about the starch factory in any way.

#### Redirect examination :

162. Q. In your answer to question 88 you stated there were some such rumors, but there was no foundation to them. The counsel for the contestee objected to receiving the latter part of your answer, and the words, "But there was no foundation to them," were stricken out. State whether you desire your full answer to be, sir, as originally given.

(Objected to as immaterial and incompetent.)

A. I do not know as it is material.

163. Q. Do you understand that Mr. Duffy was born and brought up in this Congressional district ?—A. I have understood so.

164. Q. After the rumors which you have mentioned in answer to question 147, did the board of education satisfy themselves that such rumors were unfounded ?

(Objected to as immaterial and incompetent, and involving a long cross-examination.)

A. They did.

165. Q. Did the occasion referred to by you in question 151 refer to the same occasion that you mentioned in your direct examination when the committee from the regents visited this and other academies, and was Mr. Woodworth one of that committee ?—A. It is, and he was.

166. Q. Will you state whether, in the spring term of the academy, the school is smaller than it is in any other term ?—A. I think it is.

167. Q. Has the Pulaski Academy drawn money from the regents' fund every year since Duffy has been here ?—A. Yes.

#### Recross-examination :

168. Q. Will you state the amount drawn from the literature fund in the year 1869 ?—A. \$411.70.



169. Q. The amounts in the years 1870, 1871, and 1872 ?—A. \$221.72 in 1870; \$550.05 in 1871; \$497.60 in 1872.

170. Q. Is there not an item entered in your account, under date of January 27, 1881, "Received of regents, \$788.05" ?—A. There is such entry.

171. Q. You may explain that entry.—A. I find in the regents' report for 1871, p. 349, an item credited to Pulaski Academy of \$750.05. I have it credited \$788.05.

172. Q. Do you not find in the same report, and on the same page, the amount allowed to the Oswego High School as being only \$176.80 ?—A. I do.

173. Q. And do you not find also the amount allowed to Falley Seminary, at Fulton, as being only \$503.61 ?—A. I do.

174. Q. And to Mexico Academy the sum of only \$632.19 ?—A. I do.

175. Q. You may now give the amount paid to the Pulaski Academy by the regents for the years 1876 and 1877 and 1878 ?—A. In 1876, \$573.93; in 1877, \$373.93; in 1878, \$353.20.

176. Q. Falley Seminary, located at Fulton, is in a village of about how much population ?—A. 3,000 to 4,000, I suppose.

177. Q. And Oswego Falls, one mile distant, has a population of about how much ?—A. It is quite a village, but how much of a population I don't know.

178. Q. Mexico Academy is the oldest institution of learning in the county, is it not ?—A. I think it is.

179. Q. And Oswego has a population of upwards of 20,000 ?—A. Yes, sir.

180. Q. What is the population of the village of Pulaski ?—A. From 1,600 to 2,000.

181. Q. What is the population of Mexico ?—A. A little less than that of Pulaski.

Redirect examination :

182. Q. Do you find in the regents' report for 1877 the amount Mexico Academy received; if so, how much ?—A. \$273.47.

183. Q. Falley Seminary, how much ?—A. \$78.13.

184. Q. Oswego High School, how much ?—A. \$368.34.

185. Q. Please state if the amounts received by the following academies, for 1871 and 1877, as disclosed by the report of the regents, is not as follows, viz :

	1871.	1877.
Claverack Academy .....	\$621 47	\$357 18
Fort Edward Collegiate Institute .....	857 20	323 70
Falley Seminary .....	503 61	78 13
Middlebury Academy .....	235 73	111 62
Mexico Academy .....	632 19	273 47
Montgomery Academy .....	91 08	16 74
Mount Morris Union School .....	101 79	5 58
Munro Collegiate Institute .....	810 74	262 31
Newark Union School .....	498 25	156 27
New Berlin Academy .....	482 18	189 75
New Paltz Academy .....	117 87	100 46
Nunda Academy .....	246 44	61 39
Onondaga Academy .....	150 01	133 94
Oswego High School .....	176 80	368 34
Owego Free Academy .....	144 65	279 05
Oxford Academy .....	471 46	111 62
Packer Collegiate Institute .....	851 84	580 42
Palmyra Classical and Union School .....	417 89	195 33
Pulaski Academy .....	750 05	378 93

A. They are from an examination of those reports.

## Recross-examination:

186. Q. The various institutions above named have been selected, have they not, in your presence, by Mr. Duffy and his counsel from a much larger list?—A. They have.

187. Q. And have you any doubt that they have selected such as they felt would have been most advantageous to themselves?—A. I presume they have.

188. Q. Are you able to discover the materiality of that evidence in this case?—A. I'll leave that to the committee at Washington to decide.

189. Q. What is the distance from this place to Parish, and from this place to Albion, by rail?—A. About ten miles to Parish, and about nine miles to Albion, by rail.

## Redirect examination:

190. Q. Are the reports of the regents referred to now present in court, and the schedules from which your figures were taken; and has the counsel for the contestee an opportunity to select cases, if he thinks he can find them, which would be less favorable to the claims of the contestant, or more favorable to the claims of the counsel for the contestee?—A. Yes, the books are here.

191. Q. Were you a delegate to the Democratic State Convention in 1878?—A. I was.

## Recross-examination:

192. Q. If you were a delegate, and took part in the making and ratification of the hard-money platform, solemnly presented to the electors, and advocated by a Democratic press, in opposition to the Greenback heresy, why didn't you maintain your consistency, as did many Democrats of this county, by voting for Judge Mason for Congress, he being the only candidate in harmony with that platform?—A. I don't know of any Democrat who voted for Judge Mason; and I considered Mr. Duffy a Democrat, and I didn't Mr. Mason.

J. A. CLARK.

Sworn before me this 22d day of April, 1879.

CHARLES B. KING,  
Notary Public.

*Deposition of Robert L. Ingersoll.*

ROBERT L. INGERSOLL was then called on behalf of the contestant, who, being sworn, testified as follows:

1. Question. What is your name, age, residence, and occupation?—Answer. Robert L. Ingersoll; age, 59; residence, Pulaski, N. Y.; occupation, general business—banking, manufacturing, and farming.

2. Q. Are you the R. L. Ingersoll, of R. L. Ingersoll & Co.'s Bank, of Pulaski?—A. I am.

3. Q. When was that bank originally established?—A. In 1862, I think.

4. Q. Have you been connected with it ever since?—A. Yes, sir.

5. Q. That institution was formed under the State-banking system?—A. Yes, sir.

6. Q. Previous to that you had been president of the Pulaski Bank?—A. Yes.

7. Q. Were you for some years cashier of that institution?—A. Yes.

8. Q. Are you now the acting supervisor of this town?—A. Yes.

9. Q. Are you acquainted with Mr. Duffy; and, if so, how long?—A. For seven or eight years, or so; ever since he has been here.

10. Q. How long have you resided in Pulaski?—A. About thirty-three years.

11. Q. What have been your political sentiments?—A. A Democrat.

12. Q. Are you extensively acquainted in this part of the county, and particularly in this town?—A. Yes.

13. Q. Whom did you support last fall for member of Congress?—A. Mr. Duffy.

14. Q. Were you in favor of his nomination previous to the time he was nominated at the Democratic Congressional convention at Oneida?—A. Yes.

15. Q. Will you state how his nomination was received here by the Democrats generally?

(Objection, as immaterial, incompetent, and not in rebuttal.)

A. I suppose it was; as far as I know it was generally well received.

16. Q. Was it understood among Democrats generally that upon all issues between Democrats and Republicans Mr. Duffy was in unison with the Democrats?

(Objected to as before.)

A. That was my understanding, so far as I knew.

17. Q. Do you believe that any considerable number of Democrats who were in favor of specie payments voted against Mr. Duffy in this part of the county?

(Objected to as before, and for the further reason that the canvass is the best evidence.)

A. I never heard any objection on that ground.

18. Q. Did you attend the polls on election day?—A. I voted; I didn't peddle votes much; talked with individuals some.

19. Q. Did you know of any Democrat who voted against him that day?

(Objection same as before.)

A. No; I do not.

20. Q. Did you ever know or hear of any person voting against Mr. Duffy, or declining to vote for him, by reason of any connection which he had with the regents' examination or his connection with the literature fund?

(Objected to as before.)

A. I don't.

21. Q. Did you ever hear, during the campaign, it charged or claimed that Mr. Duffy had stated that the Democratic party was corrupt, or that he had spoken disrespectfully of the Democratic party?—A. No.

22. Q. Have you since election heard any reports in reference to the use of money by the Republicans at such election?

(Objected to for all the reasons above given, and contestee gives notice again that all evidence placed on record by contestant will be regarded as reopening the case on the part of contestant, and that depositions in answer thereto will be offered on the part of contestee as a part of this case.)

A. Yes.

23. Q. From whom did you hear such statement or report?—A. George Wood, I think.

24. Q. Any one else?—A. No.

25. Q. Did you have a conversation with William P. Outterson and Albert A. Maltby, or either of them, in relation to a bargain or agreement between Outterson and Buckley, the Republican nominee for sheriff?

(Objection as before.)

A. Yes; they were both together.

26. Q. State that conversation.—A. The substance of it was that Buckley came down to the mill to see them, and they went to Sandy Creek to see Buckley, and he promised if they would go for him Pete Outtersson should have the jail. Maltby claimed to be present and heard the conversation at Sandy Creek.

27. Q. Under that arrangement did he, Outtersson, threaten to sue Buckley?—A. Yes.

28. Q. Did Outtersson claim he had paid out any money under that arrangement?

(Objection as before.)

A. No; I do not know as he did.

29. Q. What words did he use?—A. He claimed he had been to considerable expense.

30. Q. Did Maltby claim to have paid out money?—A. No; I don't know as he did.

31. Q. Do you know the sentiment of people in relation to the starch-factory vote, as to whether it is given or controlled by the proprietors of that institution.

(Same objection.)

A. I have heard it claimed that they were controlled.

32. Q. Do you understand that it is the belief of Democrats generally that it is so controlled?

(Same objection.)

A. I should think it was to quite a considerable extent.

Cross-examination by contestee:

33. Q. Were you in favor of the resumption of specie payment?—A. Yes; but I was opposed to the resumption law.

34. Q. Do you never heard Mr. Duffy last fall in any of his speeches so frequently made around the county, did you?—A. No.

35. Q. You did not attend the meeting addressed in this village jointly with J. W. Shea?—A. No.

36. Q. You are not a politician, as I take it, in the common acceptance of that term?—A. I may be called quite a politician in some respects. I read considerable, and talk considerable; take papers on both sides.

37. Q. Then you must understand and appreciate the fact that there are two classes of Democrats—to wit, hard and soft money Democrats—in this State?—A. Yes; to some extent.

38. Q. Which faction predominates?—A. I attended the State conventions, and the platforms adopted were hard money, but I think the majority of the voters are the other way; but I don't mean that it runs to the extent of favoring rag money, as charged by the opposition.

39. Q. State if you please what you mean by the term rag money?—A. I mean the term as used politically.

40. Q. Do you not understand the term in its political sense to have reference to the issue of an irredeemable paper currency by the government?—A. Yes; politically, as charged by the opposition.

41. Q. Would you regard a person who should advocate the sentiments of the Greenback party as promulgated in their declaration of principles, viz., the calling in of all the bonds of the government and the payment of the same by an issue of United States currency, and that currency made absolute money, preceded by a repeal of the resumption laws, as falling within the class denominated, politically speaking, the advocates of rag money?—A. I don't understand that any party advocates that; only individuals.

42. Q. Would you regard such an individual who should advocate such policy as falling within the class known as the advocates of rag money?—A. Yes.

43. Q. In your judgment would the advocacy of such a theory of finance meet with favor among the Democratic masses of this State?—A. Not to the full extent you have stated.

44. Q. Would not the policy of issuing two thousand millions of United States currency by the general government, and the calling in of United States bonds in exchange therefor, in your judgment, if advocated by any stump-speaker in this State, meet with disfavor?—A. It would meet with disfavor with some and meet with favor with others; where it would preponderate would depend on localities.

45. Q. Can you name or designate any locality in this State where you believe such sentiments would meet with hearty approval?—A. I can't definitely; I should name Madison and Chemung Counties.

46. Q. You would not name Oswego County as a favorable field for such an advocacy?—A. There are a good many men in the county who would favor it; I have met some.

47. Q. But do you think such would be popular throughout the county?—A. With some it would be popular and with some it wouldn't.

48. Q. If I understood you correctly that idea would cause the electors of the county to divide?—A. It would have its influence with other issues.

49. Q. Do you believe that such a wild theory of finance could possibly obtain a united support by the Democracy of this county?—A. Probably not.

50. Q. Would you favor it yourself?—A. No; not to the extent you have stated.

51. Q. You understood Mr. Duffy, did you not, to have become not only the candidate of the Greenback party but an advocate of Greenback principles as promulgated by the Greenbackers of this State before he was endorsed by the Democrats?—A. I didn't suppose Mr. Duffy was what you would call an extremist on that question; I understood his views were moderate.

52. Q. Had you known of his advocating an issue of two thousand millions of greenbacks and forcing them upon the people in exchange for United States bonds, as I have before stated, would you not have then regarded himself as an extremist?—A. Yes.

ROBERT L. INGERSOLL.

Subscribed and sworn to before me this 22d day of April, 1879.

CHARLES B. KING, *Notary Public*.

Adjourned to 9 a. m. April 23.

Wednesday morning, April 23, 1879. Parties appeared by their counsel. Burns E. Parkhurst, at the request of the contestee, assumes and takes the place of John T. McCarty as notary public, said McCarty not appearing, owing, as alleged, to the very dangerous illness of his brother Andrew Z. McCarty.

*Deposition of James Cassidy.*

JAMES CASSIDY was thereupon called as a witness in behalf of the contestant, who, being duly sworn, testified as follows:

1. Question. What is your name, age, residence, and occupation?—Answer. James Cassidy; age, forty-nine; residence, Pulaski, N. Y.; occupation, laborer.

2. Q. How long have you resided in the village of Pulaski ?—A. Over twenty-six years.

3. Q. Are you acquainted with Mr. Sebastian Duffy ?—A. Yes, sir; some.

4. Q. To which of the political parties do you belong ?—A. I am a Democrat.

5. Q. Have you usually voted the Democratic ticket since you have been a voter ?—A. I have.

6. Q. Whom did you support and vote for for member of Congress at the last fall election ?—A. For Mr. Duffy.

7. Q. Did you attend a meeting which was addressed by Mr. Duffy at the court-house in the village of Pulaski soon after his nomination for member of Congress last fall ?—A. I did.

8. Q. State whether that was a very stormy evening or not.

(Objected to as immaterial and irrelevant.)

A. It was some stormy. It rained.

9. Q. At that meeting did you see John Preston there, the present special county judge from this district and the former member of assembly for the third assembly district of Oswego County ?

(Objected to same as last question.)

A. He might have been there, but I didn't see him.

10. Q. Are you acquainted with Mr. Preston ?—A. Yes, sir.

11. Q. Had you, previous to that meeting, heard Mr. Preston say that Mr. Duffy was abusing the Democrats ?

(Objected to as immaterial, and, second, question does not call for evidence or testimony in rebuttal, and is indefinite, as it does not mention time or place. Notaries disagree.)

A. I had heard him say so previous to that time.

12. Q. What purpose had you in view in attending that meeting ?

(Objected to as irrelevant and immaterial.)

A. I went there to see whether Preston's statement about Duffy was right in relation to abusing the Democratic party.

13. Q. Were you chosen as the chairman of that meeting, and did you preside as such chairman ?—A. I was, and did preside.

14. Q. Who spoke first at that meeting ?—A. Mr. Duffy.

15. Q. Did Mr. Duffy at that time claim that both parties had been in power long enough, and that a new party ought to be organized whose political morals should be purer and financial policy better ?—A. I didn't understand any such talk or remarks were made in his speech, or to that effect.

16. Q. Did he claim that both the old parties had become thoroughly corrupt ?—A. He did not, to my knowledge.

17. Q. Did you hear him say that they should be dispossessed of all political power, or anything to that effect ?—A. Not that I know of at all.

18. Q. Did he say that both political parties were dishonest, or anything to that effect ?—A. I don't remember that he did.

19. Q. Did you hear Mr. Duffy on that occasion claim that the government ought to issue two billions of greenbacks ?—A. I don't remember hearing him say any such thing.

20. Q. Did you hear Mr. Duffy on that occasion in any way speak disparagingly of Democrats or the Democratic party ?

(Objected to as immaterial, and not matter in rebuttal.)

A. I did not.

21. Q. Did you hear him directly or indirectly allege or intimate that the Democratic party was corrupt ?

(Objected to as immaterial and leading.)

A. I did not.

22. Q. Or dishonest?—A. No; I did not.

Cross-examination:

23. Q. Was this meeting spoken of by you a Greenback meeting?—A. I call it a Greenback meeting.

24. Q. Was it not advertised as a Greenback meeting, and Mr. Shea and Mr. Duffy advertised in the same meeting as the speakers?—A. I paid no attention to the advertising bills.

25. Q. Did you attend other Greenback meetings in the court-house last fall?—A. There was another meeting there, but no speakers, which I attended.

26. Q. Was there a Greenback club or organization in this village last year at any time?—A. I don't know but there was.

27. Q. Did you not hear or understand that there was a Greenback club in this village last year?—A. I understood they were trying to organize such a club.

28. Q. Are you acquainted with J. W. Shea?—A. I am.

29. Q. Was he not the Greenback candidate for district attorney last year?—A. I understood he was.

30. Q. Did you not support him at the polls for that office?—A. I voted for him.

31. Q. Was there not a regular Democratic candidate running for district attorney last fall on the county ticket in this county?—A. There was a Democratic candidate for district attorney.

32. Q. Did you vote for Mr. Van Buren, the Greenback candidate for sheriff in this county last fall?—A. I did not, sir.

33. Q. Did you attend any meetings of the Greenback club of this village last year?—A. I attended one meeting.

34. Q. Did you attend a Greenback meeting with Mr. William Hall?—A. I attended a meeting with him, but I don't know what kind of a meeting it was, whether Greenback or whiteback.

35. Q. Did you not know or understand that William Hall was a zealous Greenbacker?—A. I understood from him that he was naturally a Greenbacker.

36. Q. Did you attend a Greenback meeting at the court-house last fall which was addressed by a speaker of the name of Wright?—A. I did not.

37. Q. Did you attend a Greenback meeting at the court-house some time last spring addressed by a man named Davis and a man named Onderkirk, from Oswego?—A. I did not.

38. Q. Did you vote for the Greenback ticket in this village at the charter election in 1878?

(Objected to because there was no such ticket.)

A. I didn't vote the "Greenback ticket;" I did vote the "Working-men's ticket."

39. Q. Was George Filkins elected president of the village on the ticket that you voted?—A. I think he was.

40. Q. Did you not understand that George Filkins was an active member of the Greenback party last fall?—A. I did not.

41. Q. Did you distribute Greenback ballots on last election day?—A. I did not.

42. Q. Were you somewhat active at the polls last election day?—A. Part of the day I was there.

43. Q. Are you an Irishman?—A. I suppose I was born in Ireland.

44. Q. Don't you remember when you came from Ireland to this country ?—A. Yes, sir ; I remember.

45. Q. You have read the Greenback platform, haven't you ?—A. Not much of it.

46. Q. When was Mr. Duffy nominated for Congress by the Greenbackers ?—A. I don't know.

47. Q. Were you nominated to preside at this Greenback meeting at the court-house which you attended, as you have stated ?—A. I was.

48. Q. By whom ?—A. I think it was J. W. Shea who proposed me.

49. Q. Was there any secretary of the meeting ?—A. No, sir.

50. Q. Were there any other officers selected for this meeting ?—A. I don't remember as there was.

51. Q. When was this meeting held ?—A. Towards the latter part of October, I think.

52. Q. Was it after or before Duffy was indorsed for Congress by the Democrats ?—A. It was after Duffy got the Democratic nomination.

53. Q. Did you hear Mr. Shea speak ?—A. I did.

54. Q. Didn't you understand the Greenbackers were in favor of issuing more paper money ?—A. I did not.

55. Q. Don't you claim to be an active politician ?—A. I do not.

56. Q. Are you not known as the "King of Dublin" ?—A. I never went under that name, not that I ever established my name so.

57. Q. Do you undertake to state everything that was said by both speakers at this meeting ?—A. I do not.

58. Q. Was not Mr. J. W. Shea known as one of the leading Greenbackers in this town and county ?—A. I don't know what he was in the county ; he was a Greenbacker in the town.

59. Q. Did you understand that there was any difference in the doctrines of the Greenback and Democrat parties last fall ?—A. There was some difference in my opinion.

60. Q. Did Mr. J. W. Shea in his speech at that meeting advocate the election of Mr. Duffy to Congress ?—A. I don't remember.

61. Q. Did not Mr. Shea at this meeting request voters to support Duffy at the polls ?—A. I didn't understand him to make any such remark.

62. Q. How long did Mr. Duffy speak that evening ?—A. I do not know.

63. Q. In your judgment how long did he speak ?—A. About three-quarters of an hour or an hour.

64. Q. How long did Shea speak ?—A. Not quite so long.

65. Q. Can you mention any subject that Duffy discussed that evening ?—A. None in particular.

66. Q. Do you recollect anything he said ?—A. Not much.

67. Q. Do you remember any subject that Shea discussed in his speech ?—A. No.

68. Q. Do you remember any language used by Shea on that occasion ?—A. I don't know as I do.

69. Q. Can you say how many were present at this meeting ?—A. I cannot.

70. Q. Can you mention the names of any persons present at this meeting ?—A. Yes.

71. Q. You may mention them.—A. G. T. Peckham, James Mullin, Andrew Warner, and several others ; that is all I remember now.

72. Q. Did you not understand that Mr. Andrew Warner was a Greenbacker ?—A. I did not.



73. Q. There might have been a good many persons at this meeting whom you did not notice?—A. I noticed all in the room.

74. Q. Can you now recollect the name of any other persons who attended this meeting of which you were chairman except those you have already named?—A. I can't. I remember Mr. Muzzy, the editor of the Pulaski Democrat, being there.

75. Q. Did you not understand that the Greenback party in their platform favored the issuing of paper money to pay off the bonds of the government with?—A. No, I did not; for I never read it.

76. Q. Did you understand that the Greenback party was opposed to the Democratic party last fall?—A. By the Republican statement I did, not by any other way.

77. Q. Did you not understand that the Greenback party nominated and had in the field a full State and county ticket?—A. I understood they did, but I didn't see any of them.

78. Q. Did you not see the Greenback ticket which contained Mr. Shea's name for district attorney?—A. I did not.

79. Q. Who was advertised to speak at this other Greenback meeting which you attended when the speakers did not appear?—A. I can't tell.

80. Q. Did you understand that Mr. Duffy had been nominated by the Greenbackers for Congress?—A. I understood so.

81. Q. What was the difference between the Democrat and Greenback parties?—A. I never read the Greenback platform to know a great deal about the difference.

82. Q. After Duffy was nominated to Congress by the Greenbackers did you not understand that he made speeches in behalf of the Greenback party in the surrounding towns?—A. I don't know anything about his speeches in the adjoining towns.

83. Q. Was Mr. Northrup, of Parish, the Greenback candidate for member of assembly last fall?—A. I don't know, sir.

84. Q. Do you know who the Democratic candidate for member of assembly was?—A. He came from Williamstown. I don't remember his name.

85. Q. Who was the Republican candidate?—A. I don't know who he was.

86. Q. Where did you have this interview with Mr. Preston which you spoke of in your direct examination?—A. Along on the main street of this village.

87. Q. Can you tell in front of what store it was?—A. It was several times. In front of Fuller & Salisbury's or Meacham's; along there somewhere.

88. Q. At what time of the year?—A. It was in October.

89. Q. Was it after Duffy received the Greenback nomination?—A. I don't know.

90. Q. Did you not say a moment ago that you had that interview with Preston in the early part of October or the last part of September?—A. Not the interview which we had before Fuller's; we had several interviews before.

91. Q. When did you have the first interview with Preston on the subject of Duffy's abusing Democrats?—A. I think it was about that time—before the Oneida convention.

92. Q. How many interviews did you have with Preston?—A. I don't know. I talked politics considerably with him.

93. Did Mr. Preston tell you in this interview what Duffy said about

the Democrats?—A. He said he was abusing them in his public speeches.

94. Q. Did he tell you where Duffy was making speeches?—A. No, he did not.

95. Q. Didn't he tell you something that he (Duffy) said of the Democrats?—A. He didn't use words that I can remember.

96. Q. Can you now recollect any subject that Mr. Duffy discussed at that Greenback meeting at which you presided?—A. No.

97. Q. Can you swear that Mr. Duffy at this meeting did not advocate Greenback principles?—A. I won't swear to anything to that effect.

98. Q. At the time of the interview with Preston along in front of Fuller's drug store who were present?—A. There were lots of men there conversing.

99. Q. Did the other parties listen to your conversation?—A. I don't know.

Redirect examination :

100. Q. Are you acquainted with John Daly?—A. I am well acquainted with him.

101. Q. Do you know how he voted for member of Congress last fall?—A. Mr. Daly voted for Mr. Duffy.

102. Q. Has Mr. Daly so informed you?—A. He has.

103. Q. Does he reside near you?—A. Yes, some forty rods distant.

Recross-examination :

104. Q. Do you know why it is that Mr. Duffy, the contestant, should call you to swear to something Daly had said to you, instead of calling Daly to prove the facts?—A. I don't know as Mr. Duffy called me to prove that point alone.

105. Q. Do you know why it is that Mr. Duffy should call you, who don't remember a word as to what he said on the night he spoke in this place, to testify with reference to his speech touching the abuse of Democrats and his assaults upon the Democratic party, when that gentleman had already given notice that he himself would take the stand, in his own behalf, in answer to that and many other imprudent acts on his part, which remain as yet unanswered, or do you understand that Mr. Duffy dare not take the stand in the face of the record which he has made as to the use of money and the employment of extravagant denunciations of the Democratic party?

(Objection that it is incompetent, and also that as a question it is simply buncombe; as an argument it is too weak to answer, and in its assumption of facts it assumes what has not been proved, and is not in fact in some respects true, or within the knowledge of the witness. Contestee's counsel calls attention to contestant's notice under date of April 14, 1879, and to the name of Sebastian Duffy as second upon the list of witnesses to be examined.)

A. I can't answer that, it is too long.

106. Q. Then I will ask you simply if you can explain why you are called instead of Mr. Duffy with reference to his speech at the court-house?—A. I don't know, sir.

JAMES CASSIDY.

Sworn and subscribed to before me this 23d day of April, 1879.

CHARLES B. KING,

*Notary Public.*

*Deposition of William June.*

WILLIAM JUNE was then called on behalf of the contestant, who, being sworn, testified as follows :

1. Q. What is your name, age, residence, and occupation ?—A. William June; age, fifty-nine; residence, Pulaski; occupation, clothing merchant and farmer.

2. Q. How long have you resided in Pulaski ?—A. Thirty-two years.

3. Q. Are you acquainted with Mr. Duffy ?—A. I am.

4. Q. How long have you been acquainted with him ?—A. I should say about ten years.

5. Q. Whom did you support and vote for for member of Congress last fall ?

(Objected to as not being rebuttal.)

A. I voted for Mr. Duffy and supported him.

6. Q. Did you communicate your views in reference to the propriety of nominating Mr. Duffy, to any member of the Democratic delegation to the Congressional convention held at Oneida last fall ?

(Objected to as immaterial, incompetent, and not in rebuttal. Notaries disagree.)

A. I did, to Mr. A. R. Jones.

7. Q. Were you previous to his nomination by the Democratic convention favorable to such nomination ?

(Objection as before. Notaries disagree.)

A. I was.

8. Q. Have you the means of knowing the sentiment generally of Democrats in this vicinity in relation to the nomination of Mr. Duffy, and as to how it was received by them ?

(Objected to as before.)

A. I think I have.

9. Q. Please state how such nomination was received by Democrats in this vicinity ?

(Objected to as before.)

A. It was generally approved, and I did not hear any one say anything against it.

10. Q. Did you understand, and do you now understand, that upon all the issues between Republicans and Democrats that Mr. Duffy was in unison with the Democrats ?

(Objected to as before. Notaries disagree.)

A. Yes; I do.

11. Q. Do you understand that such was the understanding generally among Democrats ?—A. I knew, or understand nothing to the contrary.

12. Q. Was there, or have you heard of, any organized opposition to Mr. Duffy in the Democratic party ?

(Same objection.)

A. There was none that I knew of.

13. Q. Do you know of any Democrat who voted against Mr. Duffy ?—

A. I do not know positively.

14. Q. State the feeling of the Democrats so far as you know and believe in relation to the nomination of Mr. Duffy ?

(Same objection as before. Notaries disagree.)

A. Favorable, as far as I know, among Democrats.

15. Q. Have you ever been in the starch factory at Oswego ?—A. No.

16. Q. Have you been acquainted with the reputation of that institution in relation to the controlling by it of the votes of the employés at elections ?

(Same objection. Notaries disagree.)

A. Well, I have; I have heard it spoken of.

17. Q. What is the belief of Democrats in this section of the county as to that fact or question?

(Objection as before; and further, that the witness is not competent to speak for everybody.)

A. The general impression is that it has been controlled by the employes in favor of the Republican party for twenty years.

Cross-examination by Mr. LAMOREE:

18. Q. Are you a politician?—A. I do not consider myself a politician.

19. Q. What is your business?—A. I keep a clothing-store and run a farm.

20. Q. I hear that you have been a success as a business man; am I correct?—A. I think I have been successful. I am not finding any fault.

21. Q. And you have attained that measure of success by a close application to business as a rule in life?—A. I don't know how I have got it in any other way.

22. Q. There was no slacking up in your attention to business on account of the nomination of Mr. Duffy last fall, I suppose?—A. No, sir; not at all.

23. Q. You were aware, I suppose, that Mr. Duffy, early in September last, became the candidate of the National Labor Greenback party?—A. I was.

24. Q. You were also aware, were you not, that Mr. Duffy took the field and stumped the county in behalf of that ticket?—A. I suppose that to be the case. Yes, sir; but I never heard him speak.

25. Q. Do you recognize this paper which I show you as the Pulaski Democrat of September 19, 1878?—A. I do.

26. Q. And do you find an item therein, in the local column, as follows: "Professor Duffy, the nominee of the Greenback party for member of Congress in the twenty-fourth district, has taken the field in dead earnest, and employed Merton L. Bennett, a recent graduate of Williams College, to act in the capacity of principal of Pulaski Academy until the close of the campaign. The professor is eminently a man of action, who will strike right and left for Congressional honors."

(Objected to as immaterial and incompetent.)

A. Yes; I do.

27. Q. That paper is published in Pulaski, is it not, and claims to be neutral in politics?—A. It is published in Pulaski, and I think it claims to be neutral in politics.

28. Q. I call your attention to an issue of the same paper under date of October 3, 1878, and to an article headed "Parish." Do you find in said article, over the initials "E. P.," "Next Thursday, Barrister Steele and Rev. White, of Williamstown, representing law and gospel, and Editor Northrup, of Parish, and Professor Duffy, of Pulaski, representing ink and school, are going to have a grand affray at Amboy over the Greenback question. Steele and White are then going to exhibit a golden calf. Northrup and Duffy will exhibit a beautiful rag baby, bedecked with the elegant color of the landscape green, its drapery, perhaps, tinged with silver, its voice clear and sonorous, and its eyes piercing to the uttermost." Do you recognize the paper and the language therein employed?

(The contestant objects as immaterial and incompetent. This record

should not be encumbered with idle and silly newspaper correspondence or newspaper articles, and is not within the issue framed by the parties nor legitimate cross-examination. Notaries disagree.)

A. I do. Such is the language in the paper.

29. Q. Do you also find in the same paper notice of a Greenback political meeting, to be held at the court-house in Pulaski, October 4, 1878, and that Dr. Sturgeon, of Toledo, Ohio, and W. W. Green, of Oswego, the Greenback nominee for special surrogate, would address the meeting, inviting all, irrespective of party, to attend?

(Objection as before. Notaries disagree.)

A. Same as before.

30. Q. I now call your attention to an article in an issue of the same paper under date of October 24, 1878, appearing under the local column, in the following language: "The Greenback meeting held in the court-house on Saturday evening was sadly interfered with by the storm, and but few present. Mr. James Cassidy presided as chairman. Professor Duffy and J. W. Shea, esq., both of this village, and earnest supporters of the new party, were the speakers. Mr. Duffy's speech occupied about an hour and twenty minutes, and Mr. Shea followed with a few remarks. They claimed that the reason for hard times was the lack of money in the country, and Mr. Duffy said that the way out of it was to issue and put into circulation two thousand millions of greenbacks, when plenty and good times would again visit our land." Do you find such an article?

(Objected to the same as before. Notaries disagree.)

A. Same as before.

31. Q. I now call your attention to an article appearing on the same page under the head of "Sand banks," and with the following language therein: "A large and enthusiastic meeting was held in Union Hall a week ago Saturday night, and was addressed by Professor Duffy and J. W. Shea, of Pulaski, and J. W. Northrup, of Parish; the speakers made some very forcible and impressive arguments in favor of the National Greenback Labor Reform Party." Do you find the same as stated?

(Objected to as before. Notaries disagree.)

A. I do.

32. Q. I now call you attention to another article appearing on the same page, under the head of "Parish," signed "E. P." "Professor Duffy, of Pulaski, addressed a National Greenback Labor meeting at our place last Saturday afternoon; the weather being inclement there was not a large audience. After showing that the government was supreme he gave us a brief history of the national financial matters, showing that the hard times was caused by vicious legislation in the interest of capital instead of labor; the people's money had been destroyed and locked up in untaxed bonds, drawing interest thereon, and the way to good times is to pay these bonds in legal tender greenback money, as we agreed to in the first place, and so stop the interest, and the money would be used to develop the resources of the country, and likewise become taxable. Mr. Duffy eloquently depicted how the laboring men of the country were educating the bondholders' children and not costing the bondholders a cent. Money appears to be a necessity, but we suppose the world could get along with barter; money civilizes and develops true manhood. Considerable excitement exists here in regard to the positions of Northrup and Steele on the greenback matter; they are antagonistic to each other. October 21, 1878." Do you find such an article?

(Objection same as to No. 28. Notaries disagree.)

A. I do.

33. Q. Did you understand that there was a Greenback club in this town prior to election?—A. I never knew of one.

34. Q. Were there three candidates for the office of member of assembly in this district last fall?—A. I believe there were.

35. Q. You may give their names, residences, and party.—A. Mr. Mellen, Democrat, Williamstown; Mr. Steele, Republican, Williamstown; Mr. Northrup, Greenback, Parish.

36. Q. Were there three candidates also in the field for the office of district attorney? If so, give their names, residences, and party.—A. Mr. Wart, of Sandy Creek, Democrat; Mr. Chase, of Oswego, Republican; Mr. Shea, of Pulaski, Greenback.

37. Q. Were there three candidates in the field for the office of justice of sessions? If so, you may give their names, residences, and party.—A. Coey, Democrat, Redfield; Potter, Greenback, Parish; Brown, Republican, Palermo, as I am informed.

38. Q. Were there three candidates in the field for office of superintendent of the poor of this county? If so, give their names, residences, and party.—A. Ney, Democrat, of Fulton; Davis, Greenback, of Mexico; Spencer, Republican, of Volney.

39. Q. Were there three candidates for the office of county treasury put in the field? If so, give their names, residences, and party.—A. D. H. Judson, of Oswego, Democrat; Dowdle, of Oswego, Greenback; Stone, of Mexico, Republican.

40. Q. Mr. Judson, shortly before the election, had his name taken from the ticket, or it was taken from the ticket, and Mr. Dowdle's name appeared on both tickets at the election?—A. That is as I understand it.

41. Q. Was there not a strong sentiment of opposition throughout the country, as you understand, to the election of Mr. Stone upon local grounds, in that the office had been located at Mexico for upwards of twenty years?—A. That is something I knew nothing about.

42. Q. Were you not so advised either prior to or subsequent to the election?

(Objected to as immaterial. Notaries disagree.)

A. Nothing before election; I don't remember of but one instance since election; it was a passing remark, founded upon an inquiry of my own, soon after election.

43. Q. Were there three candidates for sheriff in nomination last fall in this county?—A. I believe there was.

44. Q. What were the names, residences, and politics of the three candidates?—A. Gardinier, of Oswego, Democrat; Buckley, of Sandy Creek, Republican; Van Buren, of Volney, Greenbacker.

45. Q. Was there not an earnest and vigorous contest and canvass for election between these three candidates?—A. I should say there was, quite strong.

46. Q. Did not each one of those candidates visit and canvass this village in his own behalf prior to the election?—A. I cannot answer.

47. Q. Were not the Democrats in this town on election day much interested in the election of their candidate for sheriff?—A. I cannot answer. I know nothing about it. I simply voted, and then left the polls.

48. Q. Did you see Mr. Duffy at the polls on election day?—A. I don't remember whether I did or not.

49. Q. Did you not understand that the Republicans in the town on election day were working very earnestly for their candidate for sheriff. Mr. Buckley?—A. It is my impression that they were.

50. Q. When did you first hear or understand that Mr. Duffy had identified himself with the Greenback party?—A. I should think somewhere about August or September last.

51. Q. Was not the financial question the leading issue in the political canvass in this State last fall?—A. I didn't so consider it.

52. Q. Did you not understand that the Greenback party and its candidates advocated a repeal of the resumption act, so called, and also the issuing paper money by the general government to pay the bonds of the government and the national debt?—A. As far as I understood it, their grand issue was to issue paper money to pay the government bonds. I don't know about resumption.

53. Q. Did you not understand that the leading Democratic papers and politicians were in favor of hard money (so called) in this State?—A. I did not so consider it.

54. Q. Did you understand that the leading Democratic papers and politicians in this State favored soft money (so called)?—A. I did not.

55. Q. Did you understand that the Democratic party had any position or principles on that question last fall?—A. I should answer that, no. Some were one way and some another.

56. Q. Were not the leading Democrats of this county in favor of hard money (so called)?—A. I do not know.

57. Q. Were not the leading Democrats of this town and village in favor of hard money?—A. I do not know.

58. Q. Were they in favor of soft money?—A. I don't know.

59. Q. Did you not understand that there was a direct antagonism between the Greenback and Democrat parties last fall in their canvass of this State?—A. I should say that there was on the issuing of greenbacks to pay the public debt.

60. Q. Were they not opposed on the whole financial question?—A. I should answer as I did the last question.

61. Q. Did you not hear of any opposition to Mr. Duffy by the Democrats last fall?—A. I did not.

62. Q. As the poll-lists of the last election in this town show that over twenty-five Democrats refused or neglected to vote for member of Congress, having voted the remaining ballots used at the election, would you not say that there was an opposition to Duffy among Democrats in this town which extended throughout the town?

(Objected to as immaterial, assuming facts as proved which are not proved, and the poll-lists do not show any such thing, and it would be immaterial if they did.)

A. I have no means of knowing that such was the case on the poll-lists. I should not consider it any general opposition in the Democratic party.

63. Q. Were you in favor of specie payments last fall?—A. I had no particular favor that way.

64. Q. Were you in favor of issuing greenbacks to pay the national debt with?—A. No.

65. Q. Do you know of any prominent or leading Democrat in this town who was in favor of issuing greenbacks to pay the national debt?—A. I have heard R. L. Ingersoll, and he is the only man.

Redirect examination by Mr. KING:

66. Q. In your cross-examination your attention was called to an article in the Pulaski Democrat to a communication headed "Parish" and signed "E. P."; in addition to what you then testified to as being in that article, do you find the following: "Teachers' institute commenced to-

day with 50 teachers. Professors Henry C. Northam and Charles H. Merrill are the conductors. They fully understand their business. The prospects are we are going to have one of the best institutes ever held in this county. The conductors are radical in their teaching, going to the root and then expanding. Professor Merrill, noticing that Professor Duffy was nominated for Congress, remarked if more teachers were sent to Congress, our laws would be materially improved. He was glad to see teachers headed by any party. Good teachers always love the common people."

(Contestee's counsel objects that the article read is wholly immaterial and irrelevant, as teachers' institutes in Parish, and the comments of their conductors and personal puffs of Mr. Duffy as an instructor, are not within the issues framed by the notice and specifications of the contestant and the answer of the contestee thereto. Secondly, the article offered in evidence has no connection with that portion of the communication offered in evidence by the contestee.)

A. I do.

67. Q. Are you acquainted with Mr. L. Read Muzzy, the editor and publisher of the Pulaski Democrat?—A. I am.

68. Q. Do you understand him to be a firm Republican?—A. I do.

69. Q. Did not the town of Parish, from which this and other articles read, signed "E. P.," go almost unanimously for Mr. Duffy?—A. I so understood by reading the official report.

Recross-examination:

70. Q. Was not the town of Parish known as the leading Greenback town in this county?—A. I so considered it; it was the banner Greenback town of the county.

71. Q. Was there a newspaper published at Parish last fall called the Parish Mirror, devoted to Greenback interests and edited by Mr. Northrup, the Greenback candidate for member of assembly in this district?—A. There was.

WILLIAM JUNE.

Subscribed and sworn to before me this 23d day of April, 1879.

CHARLES B. KING,  
Notary Public.

Adjourned to 9 a. m. April 24.

### *Deposition of William Hall.*

WILLIAM HALL was then called on behalf of the contestant, who, being duly sworn, testified as follows:

1. Question. What is your name, age, residence, and occupation?—Answer. William Hall; age, seventy; residence, Pulaski, Oswego County; occupation, farmer.

2. Q. How long have you resided in the town where you now reside?—A. Forty-four years.

3. Are you acquainted with Sebastian Duffy, the candidate for member of Congress in 1878, from this district?—A. I am.

4. Q. How long have you been so acquainted?—A. Ever since he came here.

5. Q. You have been a patron of the academy kept by him?—A. Yes, sir.

6. Q. Did you attend the election in 1878?—A. Yes, sir.

7. Q. For whom did you vote for member of Congress at the last election?—A. For Mr. Duffy.



8. Q. Did you inform John Preston on the Sunday before election or about that time, at your house, that you should not vote for Mr. Duffy?—A. I have no recollection of saying anything of the sort.

9. Q. Did Mr. Preston at that time know and had you so informed him that you intended to vote the Greenback ticket?

(Objected to as immaterial and that it is not matter in rebuttal.)

A. He knew that I always talked it in his presence; he knew that I was going to vote it, the Greenback ticket, that day just as well as I did myself.

10. Q. Did Mr. Preston formerly live with you?—A. Yes, sir.

Cross-examination by Mr. SMITH:

11. Q. Were you a member of the Greenback party last year?—A. I enrolled my name in the list.

12. Q. You joined the Greenback club in this village?—A. Yes, sir.

13. Q. When was that Greenback club organized?—A. I cannot tell when it was.

14. Q. Was it not organized in the summer of 1878?—A. Probably it was; there had been two or three meetings before I subscribed.

15. Q. Were the meetings of the club held in this village?—A. Yes; in this block and the building by the court-house.

16. Q. Who was the president of the club?—A. Mr. Ira Doane.

17. Q. Who was the secretary?—A. J. W. Shea, the lawyer.

18. Q. How frequently did you see Mr. Duffy at the meeting?—A. I can't tell how many times, but I have seen him in the room.

19. Q. Are you still a Greenbacker?—A. I am, in principle.

20. Q. When did you first hear that Mr. Duffy identified himself with the Greenback party?—A. I cannot tell.

21. Q. You understood that Mr. Duffy was a good Greenbacker?—A. I understood he was a Greenbacker and was going to be a candidate for member of Congress.

22. Q. Did you hear or understand that Mr. Duffy was nominated for Congress by the Greenbackers?—A. I so understood it.

23. Q. Did you attend Greenback political meetings at the court-house last fall?—A. I did; I attended all the Greenback meetings I had any notice of.

24. Q. Did you hear Mr. Duffy speak at any of those meetings?—A. No.

25. Q. Did you hear of Mr. Duffy's making Greenback speeches in the fall last year?—A. Yes.

26. Q. Did you understand that the Greenback party was opposed to both the Democrat and Republican parties?—A. Yes.

27. Q. Where did you see Mr. Duffy on election day?—A. At Palmer's Hotel.

28. Q. Was Mr. Duffy distributing or peddling Greenback tickets that day?—A. I suppose so; he gave me one, and he went with me to the polls and saw me put it in.

29. Q. Did you vote the whole Greenback ticket?—A. I did; except I voted for John Preston. He filled his name in my ballot himself.

30. Q. Did Mr. Duffy watch you closely?—A. I don't know how closely he watched me; he gave me the ticket and went to the polls with me and saw me put it in.

31. Q. Was not Mr. Preston at your house frequently last fall?—A. Yes; just as usual. I brought him up, and he makes my house his home.

32. Q. Did you not have frequent conversations with Mr. Preston on political matters last fall?—A. Yes.

33. Q. Did you take and read Pomeroy's Democrat?—A. My boy took it; it was in my house and I read it.

34. Q. Did you not hear that there were some charges against Mr. Duffy of fraud or irregularity in regard to the regents' fund in the academy?—A. I know nothing about the school business at all.

35. Q. Did you hear last fall of any charges against Mr. Duffy of dishonesty?—A. No, sir.

36. Q. Did you not hear it said that Mr. Duffy was not an honest man and ought not to go to Congress?—A. I never heard any such thing.

37. Q. Do you remember or now recall any conversation that you had with Mr. Preston?—A. I do not.

38. Q. Will you swear that you told Mr. Preston that you were going to vote for Duffy?—A. I will not swear that I told any man that. I vote an independent ticket.

WILLIAM HALL.

Sworn and subscribed to before me this 24th day of April, 1879.

CHARLES B. KING,  
*Notary Public.*

*Deposition of Andrew S. Warner.*

ANDREW S. WARNER was then called on behalf of the contestant, who, being sworn, testified as follows:

1. Question. What is your name, age, residence, and occupation?—Answer. Name, Andrew S. Warner; age, sixty; residence, Sandy Creek, N. Y.; occupation, farmer.

2. Q. How long have you resided in the town of Sandy Creek?—A. Forty-two years.

3. Q. Have you formerly been somewhat active in political matters?—A. Yes.

4. Q. Are you acquainted with Sebastian Duffy, the Democratic nominee for Congress last fall?—A. I am.

5. Q. How long have you been acquainted with him?—A. Perhaps eight or ten years; since he has been here.

6. Q. Did you attend a meeting at the court-house in Pulaski addressed by Mr. Duffy, held soon after his nomination by the Democratic convention, at which meeting Mr. James Cassidy presided as chairman? (Objected to as irrelevant and immaterial.)

A. I did; and heard Mr. Duffy's address.

7. Q. At that meeting did he charge that the Democratic party was corrupt or dishonest?

(Objected to as immaterial and not in rebuttal.)

A. I did not so understand it.

8. Q. Did he claim that two billions of greenbacks should be issued to relieve the financial distress of the country, so that every man, woman, and child might have a certain amount *per capita*, or anything to that effect?

(Objected to same as to last question.)

A. I did not so understand it.

9. Q. Is it the general report in this part of the county, so far as you know, that the votes of the employes of the starch factory in Oswego are controlled by the proprietors of that institution?

(Objected to as immaterial, improper, and incompetent.)

A. I have heard it so reported among politicians.

10. Q. How long have such reports been circulate?

(Objected to as before.)

A. It is not more than six or eight years since I recollect of first hearing such reports.

11. Q. Have you heard it reported that Mason had used money to secure his election at the late general election?

(Objected to same as the last question. It is not matter in rebuttal, and is reopening contestant's case, and contestee's counsel here renews his notice heretofore given, that as to all testimony given or offered by the contestant before these notaries, which is not matter in rebuttal, and which is new matter, that he shall reply thereto at the proper time and place.)

A. I have heard so.

12. Q. Have you been in the habit of attending the polls at elections?—A. Yes, sir; ever since I was a voter.

13. Q. State what, in your judgment, would be a proper amount to expend to procure the attendance of the sick, disabled, and poor persons in your town and returning them to their homes?

(Objected to as irrelevant, improper, and incompetent. It is not matter in rebuttal, and is reopening contestant's case.)

A. I should think \$8 or \$10 would get those that were not able to get there, and who would come at all, and return them.

14. Q. From your acquaintance and observation will you state whether, in your town, there were a large number of lukewarm and indifferent Republicans who would not be likely to attend the election unless special efforts were made to secure their attendance?

(Objected to the same as the last question, and for the further reason that it does not appear that the witness made any canvass of his town, and that he is qualified to speak on such a question.)

A. I should think there was quite a number; that is always the case except Presidential electors.

Cross-examination by Mr. SMITH:

15. Q. Do you know how many sick, infirm, and poor voters there were in your town last fall?—A. I do not.

16. Q. Were not such persons scattered over the town?—A. They were.

17. Q. Did you ever have charge of getting out the poor, sick, and infirm electors in your town or pay the expense of getting out such voters?—A. I have in my school district frequently, but not in the town.

18. Q. Do you know, then, how many teams would be required to get out these voters?—A. I have no positive knowledge; but I know about how many are generally used.

19. Q. How many teams are generally used?—A. From two to four.

20. Q. Did you make any canvass of your town to ascertain whether Republicans were lukewarm?—A. I did not except in my school district. I heard talk about it occasionally.

21. Q. Were not the Democrats also lukewarm?—A. But few Democrats are in town. Some of them were lukewarm and indifferent.

22. Q. How and where did you hear that Mason had used money?—A. I was in Oswego and heard it there.

23. Q. When was that?—A. After election. I can't tell definitely when.

24. Q. Who reported that to you?—A. Mr. Willard Johnson, of Fulton, told me that he had heard that Mason left \$1,500 in Oswego.

25. Q. At what place in Oswego?—A. I think at the court-house.

26. Q. Who was present at this conversation?—A. I don't recollect any one present and hearing.

27. Q. Did he make this remark while court was in session?—A. I think court was sitting, but am not sure.

28. Q. Did Johnson state anything else in regard to that subject?—A. I don't recollect anything.

29. Q. Did Mr. Johnson say to you then that you had missed it in not taking the Greenback nomination for Congress?—A. I don't recollect that he did.

30. Q. Did he say that he thought you had missed it because you did not run?—A. Yes; that is what he said.

31. Q. Run for what?—A. For Congress.

32. Q. On what ticket?—A. He did not say.

33. Q. What ticket did he mean, or did you understand?—A. I couldn't tell what.

34. Q. Was Mr. Johnson an ardent supporter of Duffy for Congress, or his friend?—A. I think he was.

35. Q. And were you also an ardent supporter of Duffy for Congress?—A. I was.

36. Q. When did you first hear that Mr. Duffy intended to contest Judge Mason's election?—A. I didn't hear of it till I saw it in the paper.

37. Q. Did you ever tell Mr. Duffy of this disclosure from Willard Johnson?—A. I don't recollect doing it till to-day.

38. Q. Did you ever tell any person before to-day of this story of Johnson's?—A. I have.

39. Q. Mention the person, time, and place.—A. At my house, to my wife, after I got home.

40. Q. Did you report this Johnson story to another person?—A. Yes, sir; I talked with my son, Gerrit, about it.

41. Q. Do you now recollect the name of any other person to whom you told this story?—A. I think I talked with Judge Huntington, my brother-in-law.

42. Q. Do you now recollect any other person, or persons, to whom you told this story; if so, mention them?—A. Mr. Shea, the lawyer; I don't recall any other names.

43. Q. How long have you been acquainted with Willard Johnson, and do you know his reputation as a politician?—A. I have been acquainted with him perhaps twenty years. I know something of his reputation.

44. Q. Has he not been known for several years as an active member of the canal ring in this State?—A. I should think I had heard so.

45. Q. And was he not denounced by Governor Tilden in his message in relation to the canal frauds, as a fraudulent contractor?—A. Not that I know of.

46. Q. Have you not heard or understood that he was charged with fraud in reference to the canal contracts in this State?—A. I think I have heard it so reported.

47. Q. Have you not heard that Mr. Johnson used money to influence the voters in his district?—A. I don't recollect that I have heard he used money.

48. Q. Have you not heard, when he was running for member of assembly, that money was used by him and his friends to promote his election?—A. I don't recollect ever hearing that he or his friends ever used money for election purposes.

49. Q. Have you not heard or understood that when he was running for member of assembly in his district, that the members of the canal ring, and persons in their employ, supported him?—A. I have heard that Mr. Case, who was reported to be a canal man, used his influence for him.

50. Q. When did you first hear that Mr. Duffy had been nominated for Congress by the Greenbackers?—A. Very soon after the nomination.

51. Q. Did you support the Greenback ticket at the election?—A. I did.

52. Q. When did you first identify yourself with the Greenback party?—A. When I voted the ticket.

53. Q. Didn't you attend the Greenback mass meeting in Parish?—A. I did.

54. Q. When was it?—A. I can't tell the month; I should think last summer.

55. Q. Did you hear Mr. Duffy speak at the Greenback meeting in Sandy Creek?—A. I did.

56. Q. This was a Greenback meeting that you attended at Pulaski?—A. Yes, sir; I suppose so.

57. Q. Did Mr. Duffy make the principal speech?—A. Yes.

58. Q. Did not Mr. Duffy advocate the issuing of paper money to pay the bonds of the government with?—A. He did to a certain amount.

59. Q. Did he not claim in his speech that evening that there was a scarcity of money in this country, or in substance that?—A. He claimed that there was less money in circulation than there was during war times.

60. Q. Did he not claim that the country would be benefited by the issue of more greenbacks by the general government?—A. He claimed that the national currency should be retired and greenbacks issued in their places.

61. Q. Did he not claim that the country at this time needed more money?—A. I think he did.

62. Q. Did he not claim in his speech that in all countries where they had plenty of paper money the people were prosperous, or in substance that?—A. I think he cited France as an example.

63. Q. Did he not also advocate a repeal of the resumption act?—A. I should think he did; am not so positive.

64. Q. Did he not denounce the financial policy of the government?—A. I couldn't say he denounced it; he thought the policy of destroying the greenbacks was bad; that they should be kept in circulation.

65. Q. Didn't he say that the policy of the Democratic party was no better than that of the Republican, in that respect?—A. I don't recollect he used those terms, but when he spoke of the government I understood him to mean both parties in respect to retiring the greenbacks.

66. Q. Did he not claim that this country would not obtain any relief from the prevailing distress until the greenback principles prevailed, or in substance that?—A. He claimed that the government was increasing its interest bearing bonded debt by paying interest, and until that was stopped the people would not be prosperous, or words to that effect.

67. Q. Did he not advocate most of the doctrines of the Greenback party in that speech?—A. I think he did not, as stated by the State convention of the Greenbackers; I think he did not advocate some of their principal doctrines in this speech.

68. Q. Have you any knowledge that any money was used improperly in your town last fall to promote the election of Judge Mason?—A. I have not.

69. Q. Have you any knowledge that the proprietor of the starch factory in Oswego used any improper influences to control the votes of men in his employ at the election last fall?—A. I have not.

70. Q. Were not the Republicans in your town at the election last fall very much interested in the election of their candidate for sheriff?—A. I think they were.

A. S. WARNER.

Subscribed and sworn to before me this 24th day of April, 1879.

CHARLES B. KING,

*Notary Public.*

Adjourned to 9 a. m. April 25.

Friday morning, April 24, 9 a. m. Parties appeared; contestant in person and by D. A. King, his counsel; contestee by N. B. Smith and J. J. Lamoree.

The proceedings were thereupon adjourned to 9 a. m., April 26.

Saturday morning, April 26, 1879. Parties appeared by their counsel; contestant by H. D. Baker; contestee by N. B. Smith.

(Counsel for contestant, H. D. Baker, now offers Sebastian Duffy as a witness to be sworn and examined upon matters only that are strictly in rebuttal of the pretended testimony of the contestee as to the payment of money to influence the last election in his behalf, and does not propose to examine upon any other subject or matter. Said counsel further says that said Sebastian Duffy has been duly and regularly noticed for examination, and now asks of the counsel, N. B. Smith for the contestee, to either accept of the offer for his examination at this time or decline the same, as the offer is made in good faith, and in response to the answer of the contestee heretofore served.

The contestee's counsel here objects, and protests against the calling and proposed examination of the contestant, said Sebastian Duffy, on the ground that the offer to call and examine said contestant is not made in good faith, and is in direct violation of an agreement and stipulation entered into between contestee's counsel and D. A. King, counsel for said contestant; that the examination of witnesses in behalf of the contestant before the present notaries at Pulaski would be concluded if contestee's counsel would admit that one Isaac Douglass voted for and supported said contestant for Congress at the last election, and which admission said contestee's counsel agreed to make to avoid the examination and cross-examination of the said Douglass in behalf of the contestant, provided the examination of witnesses on the part of said contestant before said notaries should be terminated without further proceedings, and that contestee's counsel has relied upon such agreement, made as aforesaid; and that Mr. J. J. Lamoree, the attorney of record in this proceeding in behalf of said contestee, has returned to his home in the city of Oswego, relying upon the repeated assurances of said D. A. King that he did not intend to or desire to examine the said contestant in this proceeding; and contestee's counsel further objects to the examination of said contestant on the ground that it is now nearly 5 o'clock p. m. of the 26th day of April, on which day contestant's time for the taking of testimony before these notaries expires, and that he has not sufficient time to fully and fairly cross-examine the said Duffy, if he shall be sworn, and examined in his own behalf in this proceeding; that he has been in attendance before these notaries since 9 o'clock a. m. of this day, prepared to go on with the examination if any witnesses were offered, but that no witnesses had been called, and no testimony had been offered or taken during the day thus far; and counsel further states and asserts that the purpose of calling said contestant at this late hour of the last day on which he is permitted to introduce testimony before these notaries, is to prevent and cut off a full and fair cross-examination of said contestant; and contestee's counsel further objects to the calling and examination of said contestant on the ground that there is no provision for or authority conferred in the statute authorizing these pro-

ceedings for the examination of a contestant in his own behalf; and that said contestant being a party to these proceedings, these notaries have no jurisdiction in the premises, and have no right to take and certify to any evidence which he may give in his own behalf.

Contestant by his attorney, H. D. Baker, says that the notice served for the examination of Sebastian Duffy is sufficient evidence of good faith in contradiction of the assertion of counsel of bad faith, and refers to the complete record of this case of the counsel, John J. Lamoree, for the contestee, who has had the management of the contestee's case, as evidence of his intention to suppress a full and fair investigation, not desiring, so far as he is concerned, to the assertions of Counselor Smith, as they refer to Counselor King, leaves the same for Counselor King to reply to. Said H. D. Baker, attorney of record for the contestant, again asks in good faith and as a test of good faith, of Counselor Smith to either accept or decline to cross-examine the contestant now offered as a witness upon matters purely upon his examination in chief as it shall be given to him. Said H. D. Baker further says that he is credibly informed, and verily believes, that counsel for the contestee was and is ready to properly cross-examine the witness, and that the same should not exceed in length of time more than an hour or an hour and a half. He further says that he has reason to believe, and does believe, that by reason of the open declarations of Counselor Lamoree and his former conduct in this case, throughout its entire length, is simply to consume time, badger and insult the witness now offered. Said H. D. Baker, attorney of record for contestant, now asks the counsel for the contestee to make his election, and spread the same on this record.

Counselor King says as to the alleged stipulation no such stipulation was ever entered into or completed. That since twelve o'clock to-day all talk in reference to such alleged stipulation has taken place; that he submitted to said Smith a writing containing the substance of such stipulation as he desired said Smith to make; that said Smith has never signed the said writing or assented to sign any stipulation embodying the facts contained in said writing so submitted to said Smith; that the transaction was merely inchoate and never was completed.

Counsel for the contestee here reiterates his charge that the purpose of contestant's counsel in calling and examining said contestant at this late hour is to deprive said contestee's counsel of the privilege of a free and thorough cross-examination of the contestant, and states as proof of the truthfulness of this charge the fact that said contestant has been in attendance before these notaries since the taking of testimony in rebuttal in behalf of said contestant commenced before such notaries, each and every day; and that since seven o'clock in the evening of Thursday of this week, to wit, April 24, said contestant has called no witnesses or offered any testimony in this proceeding; and as further evidence of the truthfulness of such charge contestee's counsel refers to the declaration made by H. D. Baker, attorney of record for said contestant, that the examination of said contestant must be concluded by 6 o'clock p. m. of this day; and contestee's counsel further states that as to the charges made by Counselor Baker that Mr. Lamoree, counsel for said contestee, has manifested any disposition to insult or badger the said contestant, or that he has insulted or badgered the said contestant, or that he has delayed the taking of testimony on the part of the contestant, are wholly groundless and unwarranted in all respects as far as the management of the case on the part of the contestee before these notaries is concerned.

Counsel for contestant says that he cheerfully and willingly waives

for the benefit of the counsel for the contestee the time agreed upon by stipulation with the Hon. John C. Churchill, counsel for the contestee, as the hour for closing the taking of testimony on the part of the contestant. Counsellor Baker again asks and demands of Counselor Smith that he now, in express terms, either decline to cross-examine the witness Sebastian Duffy, or state that he will cross-examine him, if examined, upon matters strictly in rebuttal.

The counsel for the contestee asserts that the proposed examination of said contestant is improper, incompetent, and illegal, and that if further proceedings are taken in this case before these notaries, in violation of the said statute and of the stipulation heretofore referred to, he shall be governed by the circumstances as they arise, and shall do what the interests and rights and merits of the contestee's case require and demand.)

SEBASTIAN DUFFY was therefore sworn on behalf of the contestant and testified as follows:

1. Question. State your name, age, residence, and occupation.—Answer. Sebastian Duffy; age, forty-four; residence, Pulaski, N. Y.; occupation, teacher.

2. Q. You were the Democratic nominee for member of Congress by the Democrats in convention assembled for the twenty-fourth Congressional district of the State of New York, and ran against Joseph Mason at the last fall's election, were you not?

(Objected to as immaterial, and not matter in rebuttal, and is reopening contestant's case; and, further, that these notaries have no jurisdiction or authority to take the evidence of the said contestant, as he has no right under the statute to be sworn and give evidence in his own behalf.)

A. I was and did.

Recess for one hour.

(Counsel for the contestant again asks of counsel for contestee if he still objects to the witness testifying.

In reply to the interrogation of contestant's counsel, contestee's counsel says that he reiterates his charge as to the bad faith and illegality of the examination of said contestant, and further says that he shall do in the premises what he thinks the law and the justice and merits of contestee's case require and demand of him, and that if the said contestant shall give evidence on his behalf, he desires an opportunity for a full and fair cross-examination of the contestant.

The counsel for the contestant, having now been fully informed, as will appear by the record, that the counsel for the contestee is not willing that the contestant will testify in the matter of this contest, and the contestee, Joseph Mason, esq., having had a full and fair opportunity to offer himself as a witness and testify in this matter, and having refused and failed to do so, and contestant's counsel having in good faith offered the witness Sebastian Duffy, and the aforesaid objection having been taken to his testifying, he now withdraws the witness from the witness-stand, and waives the examination of any further witness before these notaries, and declares the case closed before these notaries under the statute.)

STATE OF NEW YORK,

*Twenty-fourth Congressional District, Oswego County, ss :*

I, Charles B. King, a notary public within and for the county of Oswego, and State of New York, do hereby certify that the aforesaid de-



ponents, being duly summoned, to wit: George W. Woods, Charles A. Clark, James A. Clark, Robert L. Ingersoll, William June, James Cassidy, William Hall, and Andrew S. Warner, produced by said contestant, personally appeared before me, at the law office of D. A. & C. B. King, in Pulaski, in said county, and being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth in the matter of said contested election, gave the foregoing depositions by them respectively subscribed; that I caused the testimony of said deponents, with the questions propounded to them by the counsel and agents of said parties, to be reduced to writing in my presence and in the presence of said deponents and of the counsel and agents of said parties, and caused the said testimony to be duly subscribed and attested by said deponents respectively; that the contestant, Sebastian Duffy, was present at the examination of all of said deponents by his agent and counsel, Don A. King, and the contestee was present by his agents and counsel, John J. Lamoree and N. B. Smith, one or both; that prefixed to the foregoing depositions are copies of the notices served on the contestee or his counsel, with proofs of services of the same, pursuant to which said witnesses were examined.

And I further certify that the examination of said deponents was commenced on the 18th day of April, 1879, at the law office of D. A. & C. B. King, in the village of Pulaski, county of Oswego, and State of New York, and was continued from day to day until and including the 26th day of the same month; and I do further certify that the fees of the aforementioned witnesses in behalf of Sebastian Duffy amount to the sum of \$8.25.

Witness my hand and official seal at Pulaski, in said county of Oswego, State aforesaid, this 28th day of April, 1879.

[SEAL.]

CHARLES B. KING,

*Notary Public in and for Oswego County, New York.*

STATE OF NEW YORK,

*Oswego County, ss:*

I, John T. McCarty, notary public, chosen by the contestee to be associated with Charles B. King in taking of the foregoing depositions on the part of the contestant, certify that I have carefully compared the same with the minutes kept by me on the part of the contestee, and that said depositions are above correctly taken, and that the foregoing certificate subscribed by said Charles B. King is in all respects just and true.

Witness my hand and official seal at Pulaski, in said county, this 1st day of May, 1879.

[SEAL.]

JOHN T. McCARTY,

*Notary Public in and for Oswego County, New York.*

STATE OF NEW YORK,

*Oswego County Clerk's Office, ss:*

I, Daniel E. Taylor, clerk of said county, and of the several courts of record thereof, do hereby certify that Charles B. King is a notary public in and for said county, duly qualified to act as such; that his term of office commenced on the 30th day of March, in the year 1878, and will expire on the 30th day of March, in the year 1880.

Given under my hand and the seal of said county and court, at the city of Oswego, this 28th day of April, A. D. 1879.

[SEAL.]

DANIEL E. TAYLOR, *Clerk.*

STATE OF NEW YORK,  
County of Oswego, ss :

I hereby certify that in the taking of the foregoing depositions on the part of the contestant, D. A. King, esq., attended as counsel for and on behalf of the contestant eight days, to wit, the 18th, 19th, 21st, 22d, 23d, 24th, 25th, and 26th days of April, 1879, and that his services therefor are reasonably worth \$10 per day; that I also attended and was occupied in taking such depositions the same eight days, and that my fees and charges are \$5 per day; that said depositions were taken at Pulaski, in said county. I further certify that said D. A. King attended and acted as counsel for said contestant, on the taking of depositions on the part of the contestee, before Notary J. T. McCarty and the undersigned at Pulaski aforesaid the term of four days, to wit, on the 12th, 15th, 16th, and 17th days of April, 1879, and that his services were reasonably worth \$10 per day, and I attended at the said time as notary, designated and appointed by said contestant to act with said Notary John T. McCarty, and my fees and charges amount to the sum of \$5 per day; that the fees of said counsel amount in all to the sum of \$120, and my fees amount to \$60, making in all the sum of \$180.

CHARLES B. KING,  
Notary Public.

Dated April 28, 1879.

NOTE.—The following evidence was, by agreement of the parties, taken after the expiration of the time allowed by law, and it was agreed by both parties and the clerk of the committee that the same should be printed at the conclusion of that taken within the ninety days.

CLERK OF COMMITTEE.

EVIDENCE TAKEN BY CONTESTEE IN MADISON COUNTY.

*Deposition of T. Eugene Baker.*

APRIL 22, 1879.

T. EUGENE BAKER, a witness produced and sworn on behalf of contestee, testifies as follows:

1. Question. What is your age and place of residence?—Answer. Thirty-five years; live in Hamilton.
2. Q. Do you know Albert Dart?—A. No, sir.
3. Q. Have you ever seen him?—A. I don't know; I presume I have.
4. Q. Do you know of him?—A. I have heard there was such a man.
5. Q. What is your politics?—A. A Democrat.
6. Q. For whom did you vote for member of Congress at the last general election?—A. Mr. Duffy.
7. Q. Did you see Charles Kelloway on election-day?—A. Yes, sir.
8. Q. Did Charles Kelloway try to induce you in any manner to vote for Mason for member of Congress?—A. No, sir.
9. Q. Did he so ask you to cast your vote for Judge Mason?—A. No, sir.
10. Q. Did you work upon the Union school-house last fall?—A. I did as carpenter and joiner.
11. Q. Who engaged you to work upon the Union school-house?—A. Mr. Kelloway.
12. Q. Was he the boss or have supervision of that work?—A. He did.

13. Q. When did he first speak to you about your working on that building?—A. On election-day.

14. Q. Where was it and what did he say to you?—A. It was in the entry to Tripp's Hall. He met me on stairs, and said, "Halloo, Baker, where you been lately." I told him I had been away at work. He said "Have you got through?" I told him I had not; would be through some time the next week. He said "All right, I want you on this school-house job." That is all that was said.

15. Q. Did you and Mr. Kelloway go to one corner of the hall and there converse from twenty minutes to a half hour?—A. No, sir.

16. Q. Did you have any private conversation with Mr. Kelloway in one corner of that hall?—A. No, sir.

17. Q. As you went up towards the polls to vote, did Mr. Kelloway hand you a vote; and if so, what vote?—A. I received no votes from Kelloway, and he did not offer me any.

18. Q. After you had voted did you step back 8 or 10 feet from the polls and have any conversation with Kelloway?—A. No, sir.

19. Q. Did Mr. Kelloway say to you after you had voted, "You can come on in the morning," or anything like that?—A. No, sir.

20. Q. Election was held November 5; please state what day you commenced work upon the school-house building.—A. The 14th day of November.

21. Q. Where did you work after election and up to the 14th day of November?—A. For Mr. William Stevens, over near Colchester, about a mile south of there, on hill, repairing a shed, making it into a stable for cattle.

22. Q. Had you been there at work before election?—A. Yes, sir; I went there the 22d day of October.

23. Q. Did you keep a diary or any other memoranda of the time and places where you worked?—A. Yes, sir.

24. Q. Then, sir, were you at work at all upon the school-house building the next day after election?—A. No, sir.

25. Q. Was there any other gentleman by the name of Baker that worked upon that school-house building to your knowledge?—A. John Baker, the painter, I think was all.

26. Q. Did he work there before you commenced working there as a carpenter?—A. Not to my knowledge.

27. Q. Was there any other Eugene Baker that worked there to your knowledge?—A. No, sir.

28. Q. Name the gentlemen that worked, as carpenters or otherwise, upon that building?—A. Charles Kelloway, E. E. Welton, Charles Risley, Milo Russell, Mr. C. J. Waldron, LaMott Smith, Edward Coman, Mr. Kingsley and myself were the carpenters.

29. Q. Did you not understand that Mr. Kingsley, LaMott Smith, Mr. Coman, as well as your yourself, were Democrats?—A. I did not at that time, but have since heard so. Mr. Smith I knew was.

30. Q. Did you know or did you hear while working upon that building anything said as to how those gentlemen voted on election day?—A. No, sir.

31. Q. So far as you know or heard anything said, did the question of politics have anything to do with the repairing of that building?—A. No, sir; not as far as I heard. The subject never came up.

32. Q. So far as you knew or heard, did the question of a man's politics have anything to do with his receiving or not receiving employment on that building?—A. No, sir; not so far as I know I did not.

33. Q. Did you hear anything said upon that subject on the works ?—A. No, sir; I was working at bench most of time and did not have a chance.

34. Q. Who was the building committee, as you understood ?—A. Mr. Manchester, Chester Wright, and Dr. F. D. Beebe.

35. Q. Did either of these gentlemen or Mr. Kelloway ever say one word to you concerning your politics or how you voted before you commenced your work or while working upon that building ?—A. No, sir.

36. Q. Who settled with and paid you for that work ?—A. Chester Wright done the paying.

37. Q. Did Charles Johnson work as a carpenter on that building ?—A. Yes; I don't know his politics.

38. Q. Are you a man of a family and keep house in the village ?—A. Yes.

**Cross-examination.**

39. Q. Was your Congressional ticket the regular Duffy ticket, or was it a Republican ticket with a paster on it ?—A. It was a regular ticket of Duffy, with no pasters.

40. Q. What was its color ?—A. It was white.

41. Q. What was the color of the Mason ticket ?—A. I did not see one.

42. Q. Permit me to inquire if William T. Manchester was a strong Mason man and a strong partisan Republican ?—A. I have so understood him to be.

43. Q. Do you understand Dr. F. D. Beebe is of like character in politics ?—A. Yes, sir.

44. Q. Are they both residents of this village ?—A. I suppose they are; yes.

45. Q. Mr. Manchester is now in this room, is he ?—A. Yes, sir.

46. Q. Do you know what directions the majority of that committee who were partisan friends of Mason gave to Charles Kelloway in relation to help ?—A. No, sir; I do not.

47. Q. Do you know why Kelloway, Manchester, and Beebe have not been called as witnesses in this case ?—A. No, sir.

48. Q. In your judgment they and each of them have better means of knowing as to what directions were given than you have, have they not ?—A. Yes; I suppose they have, if there was any given him.

49. Q. What help did you find there when you commenced the 14th ?—A. It's my impression they were all there excepting La Mott Smith.

50. Q. Are you sure that Kingsley was there when you came ?—A. Yes, sir.

51. Q. Did you understand that Waldron was a Mason man ?—A. Yes, sir.

52. Q. Did you understand that Charles Risley was during the canvass opposed to Mason, but on the day of election supported him ?—A. No, sir.

53. R. Did you learn anything about Mr. Welton whether he was opposed to Mason or not before election ?—A. No, sir.

54. Q. Do you know how Kingsley or Johnson voted for member of Congress ?—A. No, sir.

**T. EUGENE BAKER.**

Sworn and subscribed April 22, 1879.

**CHARLES W. UNDERHILL,**  
*Notary Public for Madison County, New York.*

*Deposition of A. M. Beebe, jr.*

APRIL 22, 1879.

A. M. BEEBE, jr., sworn, testifies as follows :

1. Question. What is your age and residence ?—Answer. Twenty-eight years. Hamilton.

2. Q. Are you a son of Dr. A. M. Beebe, of Hamilton ?—A. Yes, sir.

3. Q. What is your father's business ?—A. A professor of rhetoric and elocution in university.

4. Q. Do you know Judge Joseph Mason ?—A. Yes, sir.

5. Q. Did you see him on election day ?—A. Yes, sir.

6. Q. About what time did you see him before the closing of the polls ?—A. It was very nearly five o'clock, not to exceed ten minutes before the polls closed.

7. Q. Where did you see him ?—A. I saw him on cross-walk between where the polls were held and Woodruff's store.

8. Q. Going which way ?—A. Toward Woodruff's, away from polls.

9. Q. Would that be the route from the polls to his residence ?—A. A. Yes ; I think the nearest way.

10. Q. Did you see him again right after ?—A. I was coming from Bonney & Welton's towards Root's drug-store corner ; I saw the judge come down out of the hall and go towards Woodruff's store ; when I got to Root's corner I turned and went toward the hall myself ; as I was stepping in the door leading to the polls I saw judge passing by Foote & Gaskill's hardware store ; that is the last I saw of him until the polls were closed ; he was on the walk leading to his house, and I went immediately into the hall where the polls were held.

11. Q. After you got into the hall did you see the negro Hollingsworth vote ?—A. Yes, sir.

12. Q. How soon was that after you saw Mason passing Foote & Gaskill's store ?—A. Between five and ten minutes, perhaps.

13. Q. Was Mason at or about the polls when Hollingsworth voted ?—A. I think he was not. No, sir. There was not over twenty-five in hall when Hollingsworth voted.

Cross-examination by S. D. WHITE :

14. Q. What is your occupation ?—A. I am present working for a copying house in Auburn.

15. Q. How many times were you at the polls that day ?—A. Not to exceed a half dozen times, and not a great while at a time, except the last time I was there some time.

16. Q. Had you seen Mr. Mason several times on that day before you saw him on the cross-walk ?—A. Yes, sir.

17. Q. About how many times ?—A. I can't state positively of more than once or twice.

18. Q. Could you say positively that you had not seen him as many as half a dozen times ?—A. No, sir.

19. Q. Is he a man whom you have seen almost daily for years ?—A. Same as any townsman ; nearly every day when he was in town.

20. Q. You were acquainted with him, were you, and had been for as much as ten years ?—A. Yes, sir.

21. Q. State where he was and what he was doing on each of the occasions when you saw him at other times that day prior to seeing him upon the cross-walk.—A. The first time—I think the first time—I went into the hall between nine and ten o'clock. He was then talking with some students as regards their safety in voting. The next time he was sitting in the hall talking with Mr. Wellington. I think this was

just before noon. I saw him one other time passing down the aisle of the hall going out; and this all I remember positively of. I might have seen him other times.

22. Q. Can you state the time of day within an hour of time you saw him in the three last times?—A. No, sir.

23. Q. Did you peddle votes that day?—A. No, sir.

24. Q. Did you see the student Benedict peddling votes that day?—A. I can't remember that I did.

25. Q. Did you see him around, apparently at work?—A. I can't remember of seeing Mr. Benedict that day.

26. Q. You understand him to be a Republican, do you not?—A. I do.

27. Q. What was there connected with Mr. Mason's leaving that hall and going across that sidewalk, you being upon another walk, that so attracted your attention that you are able to state it, when at the same time you are not able to state within three times of the number of times you did see him upon that day?—A. When I last saw the Judge, prior to seeing him on walk, I noticed he was a good deal flushed and showed his day's work some; and as I started to go to the polls I noticed him coming out, as it was a natural thing to do. That is all the reason I can give.

28. Q. Did you then think you would ever be called upon to testify in regard to it?—A. No, sir. And as a further answer to the question, before this, when I went into the hall I went and sat upon rostrum with C. M. Wickwire, and very shortly after Thurston voted, and within a very few minutes Hollingsworth voted, and there was some excitement at the polls. I did not leave my seat and was not near enough to hear any of the conversation about the polls when Hollingsworth voted, but noticed he swore in his vote. I remember hearing somebody say just after he voted, I think after the polls closed, that they would make trouble for that nigger. I then turned to Wickwire and asked him where the judge had gone, at the same time remarking that the excitement of the election as well as his day's work must have been a terrible strain on his nervous constitution and that I had just seen him going across street. Wickwire said he did not know where he had gone, but guessed he had gone to supper.

29. Q. Did you then think as you sat on the platform that there was anything in what occurred there that you would ever be called upon to remember it?—A. No, sir.

30. Q. Then tell me why you can remember that?—A. I can't say; I don't know; I can't give any reason for it.

31. Q. Was there anything about that conversation on the platform of more importance than many other conversations which you had that day?—A. No, sir; I regard it as an incidental conversation.

32. Q. Did you have incidental conversations with your parents that day?—A. Yes; with both of them.

33. Q. And with many other people?—A. Yes, sir.

34. Q. State some others of those incidental conversations that you had with other people that day aside from family.—A. At the same I had been talking with Wickwire; we had been talking about the probabilities of Mason's election.

35. Q. My question was as to some other conversations than at this time?—A. I remember a conversation that morning I had with William Thompson about an overcoat, which he said he had been foolish enough to pay \$50 for.

36. Q. Were you there when the polls closed?—A. Yes.

37. Q. Did you immediately leave?—A. No, sir.

38. Q. How long did you remain?—A. I should think an hour after polls closed.

39. Q. Remaining all the time on that platform?—A. No, sir.

40. Q. Where then?—A. Shortly after polls closed Wickwire and I got down and stood near the canvassing table.

41. Q. Did you see Mason when he returned?—A. Yes, sir.

42. Q. Who came in with him?—A. I think he came alone.

43. Q. Do you remember of noticing how he then looked?—A. I was then interested in the count.

44. Q. Can you state how long it was after Hollingsworth voted when Mason came in?—A. No; not exactly how long.

45. Q. Did you then notice or think as to how long the intervening time was?—A. No, sir.

46. Q. Did you not, while that vote was being counted, hear some one make the remark, "Watts made that voter quick," and did you not soon after George Beal gave his testimony state that you remembered that remark, but you could not say whether Mason made it or not?—A. Yes; I think I made such a remark.

47. Q. Did you, while those votes were being counted, hear the remark in substance, "Watts made that voter quick"?—A. I can't answer anything there definitely; I have an impression.

48. Q. Is it not your impression that you heard such a remark?

(Objected to; impressions are not evidence; same ruling.)

A. The impression I have, is, that this remark was called out by a question of Judge Mason, as regards the last vote.

49. Then I infer you mean to say Mason was present?—A. Yes; when that remark was made.

50. Q. What did Mason say that called out that remark?—A. I can't say more than this: if I remember rightly, the question who was the last voter was brought up by Judge Mason, and the answer was "Hollingsworth;" then the question was asked by the judge, "Who is Hollingsworth?" and the remark was made by somebody at the table "That was the voter that Watts made so quick;" this is not a positive statement, but simply the best of my recollection.

51. Q. Have you not, since George Beal gave his testimony, stated that you heard such a remark as he testified to, but that you could not say whether Mason made it or not?—A. I never made a positive statement in regard to the testimony of George Beal since I heard him make it; my impression was then he was not correct.

52. Q. (Question repeated.)—A. Yes, sir.

53. Q. Did you vote for Mr. Mason?—A. Yes.

54. Q. And have you felt an interest in these proceedings on his behalf?—A. A natural interest; yes.

Redirect examination:

55. Q. Did Judge Mason, while the votes were being counted, make the remark "that is the voter Watts made so quick," or anything like it in substance or effect?—A. I can't answer it any more definitely than I have, Mr. White.

56. Q. What is your best recollection upon that subject?—A. I can't say as I have a recollection; my best impression he did not make it.

57. Q. What is your best recollection or impression as to what Mason did say when sitting at the table?—A. I have very little recollection of Mason's saying anything, only as a casual remark, except what I have stated. Something was said about last vote, but I think not by Judge Mason; then the Judge asked "who was the last voter," and somebody

said "Hollingsworth," and Mason asked "who was Hollingsworth," and the reply was, "that is the voter Watts made so quick."

58. Q. Do you know who made that remark?—A. No, sir.

59. Q. Were there several in the room and near the table at the time?—A. Yes, sir.

60. Q. When Mason asked "who is Hollingsworth?" did any person tell him who he was?—A. I can't remember that they did.

70. Q. And have you any knowledge that Judge Mason knew who that man was?—A. No, sir.

71. Q. When the votes were being counted where were you?—A. Standing a part of the time near Judge Mason; balance of time walking in hall.

72. Q. Where were you when Judge Mason inquired who Hollingsworth was, and the other remarks?—A. I think I was standing right behind him.

73. Q. And did you see Judge Mason when he came in the hall and took a seat by table; and if so, what did you do?—A. I think when the judge came in I was walking in the hall alone, and the judge went to table and I followed behind him, and he sat down at invitation of Mr. Welton, near the end of table, at Mr. Welton's right hand, and to the left of Mr. Van Slyck, and I stood with my hand on Judge Mason's chair; leaning over the table.

74. Q. If Judge Mason had made the remark that Watts made that voter quick, would you have heard it?—A. I could, and think I would.

75. Q. Did you hear the evidence of George Beal?—A. I did; about the remark at the table.

76. Q. During the counsel's examination you commenced to state that you thought Beal was not correct in his evidence, and the counsel stopped you; please state what you started to state.—A. My impression was that he was not correct, and I don't or can't swear positively now that he was not; but my impressions are that he was not.

77. Q. Did you ever tell George Beal or intend to be understood that he was correct?—A. No, sir; I have no recollection of ever saying anything to George Beal, and I never intended to be understood that he was correct.

78. Q. Have you ever stated to any person that Judge Mason made the remark that Watts made that voter quick?—A. No, sir; I think not, except so far as I stated I could not say whether Mason made it or somebody else.

79. Q. And did you mean by that that you could not be positive as to who made that remark?—A. Yes, sir.

80. Q. Do you know or have you any knowledge that Judge Mason heard the remark, "That is the voter Watts made so quick"?—A. No, sir.

81. Q. You spoke of the judge's face being flushed as he was going toward his home. Do you not know, as a fact, that at the time of the election, and prior, his health had not been good?—A. Yes, sir; and I attribute it to that fact that I noticed him so particularly.

82. Q. You said to the counsel that Judge Mason at one time in the morning was advising the students as to their safety in voting; did you mean by that that he was advising them as to who were and who were not?—A. Yes, sir.

#### Recross-examination:

83. Q. Will you say Judge Mason did not make that remark?—A. I can't say positively that he did not.



84. Q. Will you say that he did not laugh as he said it?—A. No, sir; I could not see his face.

85. Q. You understood the students who voted to be the same politics as Mr. Mason?—A. Yes; generally.

86. Q. Do those Democratic students have the same rights as the Republican students on that bill?—A. Yes; as far as my knowledge goes.

87. Q. Do you not know there is a distinction made between the two classes, socially and intellectually?—A. No, sir.

88. Q. And will you swear that in all respects that the Democratic students, what few there are, are accorded the same rights as Republican students are?—A. Yes.

89. Q. Are you a student on the bill?—A. No, sir.

90. Q. How, then, can you state positively?—A. My father is a member of the faculty, and I was a student.

A. M. BEEBE, JR.

Subscribed and sworn before me April 22, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

*Deposition of Lyman Wells.*

APRIL 22, 1879.

LYMAN WELLS sworn, testified as follows:

1. Question. What is your age and place of residence?—Answer. Fifty-seven years; village of Hamilton.

2. Q. Do you know William Kelloway?—A. Yes, sir.

3. Q. Do you know Frank Kennedy, a witness sworn for contestee?—A. Yes, sir.

4. Q. Did you see William Kelloway the evening before the last election in November, 1878?—A. Yes, sir.

5. Q. Where did you see him?—A. I think at Mr. Tripp's store when I first saw him.

6. Q. About what time in the evening was it?—A. About half-past six or seven o'clock.

7. Q. Did you see him again that evening after that?—A. Yes.

8. Q. Where?—A. There was three of us went to his house.

9. Q. Who went?—A. Byron Case, Henry Tibbetts, and myself.

10. Q. What time in evening did you go to Kelloway's house?—A. About seven, I should think.

11. Q. From what place did you go?—A. From Tripp's store.

12. Q. Did Kelloway go with you?—A. He went before we did from Tripp's store.

13. Q. Whereabouts did Kelloway live at that time?—A. On same street two or three doors west of Tripp's store.

14. Q. When you arrived at Kelloway's house who was at the house?—

A. No one but Kelloway and we three gentlemen.

15. Q. I understand you about seven o'clock?—A. Yes; not far from 7 p. m.

16. Q. What did you four gentlemen do?—A. Played dominoes.

17. Q. And you commenced playing dominoes at what time?—A. About seven o'clock.

18. Q. And continued playing with Mr. Kelloway down to what time?—A. It must have been half after ten, for it was about eleven when we got home.

19. Q. How far did you then live from Kelloway's house?—A. One hundred rods or more, I think.

20. Q. Did Mr. Kelloway play dominoes the whole of that evening from seven o'clock until you left his house?—A. I think he did.

21. Q. Did Mr. Kelloway leave you three gentlemen that evening and go into the street?—A. No.

Cross-examination :

22. Q. About how many times have you been to Kelloway's in the last year to play dominoes?—A. Sometimes I go every night, then we change around a little; we have played there considerable.

23. Q. What was your occupation at that time?—A. I was not engaged in any business.

24. Q. Had you any other occupation aside from playing dominoes and talking politics, during the month of November last? If so, state what.—A. Yes; chores and work, morning and night.

25. Q. What other work than your chores?—A. Considerable to do; saw wood, &c. Not a great deal to do that month.

26. Q. Did you play dominoes a good deal day-times?—A. I think not in November; we did later.

27. Q. About how many times in the month of November did you go to Kelloway's to play dominoes?—A. I presume ten evenings.

28. Q. Fore part or latter part of month?—A. Fore part, and some latter part. I did not go every night.

29. Q. I assume you did not play for money; am I right?—A. Yes, sir.

30. Q. You say you played there ten times during the month of November; now state the day of the week and day of the month you was there first evening.—A. Monday evening and Saturday evening before election.

31. Q. What time did you get there that evening, and leave?—A. Went about seven and left after ten o'clock.

32. Q. How much after ten?—A. I can't tell exactly. It was after ten considerable when we got home.

33. Q. Were you there the next evening?—A. No, sir.

34. Q. How do you know that?—A. We don't play Sunday evenings.

35. Q. When were you next there?—A. Monday night before election.

36. Q. When were you next there?—A. I can't tell exactly; it might have been two or three nights before we were there again.

37. Q. When next?—A. I can't state.

38. Q. Can you give the day of the week of any other evening that you played dominoes at Kelloway's other than the Saturday and Monday evenings you have mentioned in November?—A. No, sir.

39. Q. State the time that you arrived at the celebrated rooms and left the same on any other evenings than the Monday evening which you have mentioned?—A. We generally got there about seven; left from nine to ten or half after.

40. Q. Did you look at the clock or watch as you left Kelloway's the evening before election?—A. I looked at my watch.

41. Q. What time was it?—A. It was half past ten when I looked; and we played one other game after that.

42. Q. State any other evening and the precise time by your watch when you looked.—A. I looked at my watch every evening we played, nearly. I can't tell the precise time, but I think the Saturday night before it was ten o'clock, and they wanted to play longer and I wanted to quit.

43. Q. State the time of any other evening, if you can, than those two nights.—A. I don't think I could.

44. Q. When you looked at the time on that Monday evening did you think it would ever be called in question thereafter?—A. I did not.

45. Q. I assume that William Kelloway did not say to you that he had made arrangements to sell his vote with twenty others that he could control, as soon as you should leave?—A. No.

46. Q. Do you think he would likely tell you if he had contemplated doing it?

(Objected to as incompetent. Objection sustained.)

47. Q. Did you usually stay at Kelloway's until people were off the streets and in bed before you disbanded and went to your homes?—A. Yes.

48. Q. Did you see anybody upon the streets when you left Kelloway's on the Saturday evening before election?—A. I don't think I did.

49. Q. Will you swear you did not?—A. No.

50. Q. Will you swear you did not see people on the streets as you left the evening before election?—A. No.

51. Q. Were not there many lights to be seen as you left?—A. There was lights in the houses, but stores were closed.

52. Q. Did you see lights in the various club rooms or any of them?—A. I think Buell's was closed.

53. Q. What political club was at Buell's?—A. I think he was a Green-back man; that is, he was opposed to Mason.

Redirect examination :

54. Q. You used to meet and play dominoes at Mr. Kelloway's, simply for pleasure and pass away the evening?—A. Yes.

55. Q. Was there any betting or gambling, or do you indulge in those things?—A. No sir; I do not.

56. Q. How long have you lived in Hamilton?—A. Thirteen years.

57. Q. Prior to that, what was your occupation?—A. Farmer.

58. Q. Are you now one of the excise commissioners of the town of Hamilton?—A. Yes.

59. Q. Are you one of the corporation assessors of Hamilton Village?—A. Yes.

60. Q. Was there anything said or intimated, at Kelloway's that evening, about his or any other person selling their vote?

(Objected to as no part of redirect. Objection overruled.)

A. No, sir.

61. Q. Please state any special reason you have for remembering that you were at Kelloway's the evening before election?—A. I came up town and went over to Wellington's office and folded votes about an hour, I should think; then went to Tripp's store with Case; there we found Tibbitts and went to Kelloway's. I came up town as soon as dark.

62. Q. Do you know James Gilboy, one of contestant's witnesses?—A. Yes.

63. Q. How long have you known him?—A. Thirteen years.

64. Q. During that time has he generally lived in Hamilton Village?—A. Yes. His father lives opposite me, and he is home sometimes.

65. Q. What is his business, and what has it been since you have known him?—A. He has been hostler, and worked around hotel.

66. Q. What are and what have been his habits since you have known him?—A. His habits are bad.

67. Q. Has he been a temperate or an intemperate man since you have known him, and, if intemperate, to what extent?—A. Intemperate. I guess he joined the temperance society for a year or more. The rest of time he was a hard drinker, I guess.

68. Q. Have you not known of his being in jail at different times during the past thirteen years?

(Objected to as improper; cannot prove character by specific acts, and this is not the best evidence. Same ruling.)

A. Yes, sir.

69. Q. What is his character and reputation in this community, good or bad?—A. Bad.

70. Q. Is it not true that in this community he is regarded as a man of no character and standing?

(Objected to as improper. Same ruling.)

A. Yes; I think it is.

Recross-examination by S. D. WHITE:

71. Q. He is a single man, is he not?—A. I think he has been married.

72. Q. His father is one of your nearest neighbors, is he not?—A. Yes, sir.

73. Q. And does his father live in a respectable neighborhood?—A. Yes, sir.

74. Q. Are there any other than respectable people in that neighborhood?—A. No, sir.

75. Q. You say his habits are bad. Does he play dominoes, or any other game of chance, to your knowledge?—A. I don't know that he does.

76. Q. In what respect, then, are his habits bad?—A. He drinks and swears some. He comes down home occasionally and kicks up a row with his father when he is drunk.

77. Q. You say he stays around hotels and drinks. Do you not as excise commissioner almost uniformly vote to license those hotels?—A. Yes.

78. Q. Which do you think to be the worst: for a man of mature years, of standing and property, and without the taste for liquor, to license its sale, or he who has a passion for its taste to drink it?—A. I think either is bad enough.

79. Q. (Question repeated.)—A. I think it's the worse for a man to get drunk.

80. Q. But do you not in granting such licenses aid such men as Gilboy in getting drunk?—A. No; the law is strict enough. If hotel-keepers did their duty they would not sell such fellows.

81. Q. Why do you vote to license such fellows who will sell such fellows?—A. I am elected to license under the law.

82. Q. Do all who are elected vote to grant licenses?—A. Not always; only a majority of board. It takes only two out of the three, and I don't have to vote often.

83. Q. Do you know of Gilboy's going to jail for any other offense than intoxication or what grew out of intoxication?—A. No; I guess not.

84. Q. Have you heard in years past that Gilboy usually required and got something for his vote?—A. I have not heard that James did.

85. Q. Have you heard that his father did get something for his vote? (Objected to as before. Same ruling.)

A. I have heard such rumors.

86. Q. Did you not a few moments ago call him a reputable citizen in your neighborhood?—A. He is usually peaceable and quiet, only when he gets drunk and quarrels.

87. Q. Do you understand James and Patrick Gilboy to be hard-money Democrats, and also Michael Brogan?—A. I don't know.

88. Q. Do you not regard Mr. James Gilboy's character as sufficiently low so that he would not scruple to sell his vote?

(Same objections; same rulings.)

A. I don't think he would.

89. Q. Notwithstanding the low character which you have given him, you do think him too good to sell his vote?—A. I think he is.

90. Q. You have understood that Gilboy sold his vote?—A. I heard so.

91. Q. In doing that he committed the crime of perjury if he had not sold his vote?—A. Yes.

92. Q. What do you regard as the greater crime: selling his vote or committing perjury?—A. Committing perjury.

93. Q. Yet you think he is too good a man to commit the lesser crime, but bad enough to commit the greater?—A. When he is in liquor.

94. Q. Have you not testified that he is usually in liquor?—A. I have said he drinks.

95. Q. Can you swear that he was not in liquor at the time it is alleged he sold his vote?—A. No, sir.

96. Q. Then why do you say that you think him too good a man to sell his vote and yet bad enough to commit the greater crime?—A. He would do things in liquor that he would not do otherwise.

97. Q. Then, if he was in liquor at the time it is alleged he sold his vote, do you think it improbable that he did sell it?

(Objected to as improper. Same ruling.)

A. I don't know what he would do.

98. Q. Have you ever heard, until Gilboy's testimony, Benedict's name mentioned in connection with the purchase of votes?—A. No, sir.

99. Q. Do you know, sir, how Mr. Gilboy could have picked out Mr. Benedict as a person engaged in the purchase of votes, if he had not?—A. I do not.

100. Q. Can you conceive of any one aside from Gilboy who as well knows whether that vote was purchased as Cushman and Benedict?

(Same objections. Same rulings.)

A. No, sir.

101. Q. Do you know, sir, who gave James Gilboy liquor at the intermission and before he had completed his evidence?—A. No, sir.

102. Q. If he had not sold his vote, and that, to, in the interest of Mason, can you conceive why on several occasions thereafter go to Mason's house soliciting gifts or presents?

(Objected to; the witness did not say he saw Mr. Mason. Same ruling.)

A. I don't know that he did.

103. Q. (Question repeated.)—A. No, sir.

104. Q. If Benedict and Cushman did not buy his vote, can you state why, soon after the fact became public, Benedict and Cushman should have been holding lengthy conversations with him, or is he an intimate acquaintance of theirs?

(Same objections. Same ruling.)

A. I don't know that they did.

105. Q. (Question repeated.)—A. I think I have answered enough.

106. Q. Do you know any other fact that will aid Mr. Mason; and, if so, please state it.—A. No, sir; I don't know of any.

107. Q. If you did, you would be entirely willing to state it, would you not?—A. Yes.

Redirect examination:

108. Q. If interrogated upon any subject within your knowledge, would you frankly state the fact, whether in favor of Judge Mason or against him?—A. Yes.

109. Q. Have you any knowledge upon the subject as to whether or not Gilboy sold his vote?—A. No, sir.

110. Q. Did I understand that the first you had ever heard upon that subject was when he was sworn?—A. Yes, sir.

111. Q. Have you any knowledge as to whether or not Gilboy, Benedict, and Cushman had any meeting or consultation after election?—A. No, sir.

112. Q. Did you ever hear any such thing claimed or intimated until you heard Gilboy sworn?—A. No, sir.

113. Q. Have you any knowledge that after election or any other time Mr. Gilboy went to Judge Mason's and solicited alms or asked for money?—A. No, sir.

114. Q. Do you not know or have you not understood that Mr. Gilboy, when under the influence of liquor, or at other times, has been in the habit of begging or asking people for small sums of money in the village?—A. I think not.

115. Q. Have you ever heard anything upon that subject?—A. No, sir.

116. Q. I understood you to say that you did not think Gilboy would sell his vote when sober; is that true?—A. Yes, sir.

117. Q. Have you any knowledge that he was not sober on election day?—A. No, sir.

118. Q. If Gilboy had been sober when he gave his evidence, do you think he would have sworn that he had sold his vote as he did, unless true?—A. No, sir.

119. Q. And do you not understand that he was under the influence of liquor when he was giving his evidence?—A. I was there after dinner—latter part of his evidence—and I should say he had been drinking.

120. Q. And would you not call him intoxicated or under the influence of liquor?—A. He was not drunk; I think he had been drinking; I have seen him a good deal worse. I did not think he was drunk; I regarded him as partially intoxicated.

121. Q. Did you know of any person furnishing him liquor during the intermission?—A. No, sir.

LYMAN WELLS.

Sworn and subscribed before me April 22, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

*Deposition of G. G. Waldron.*

APRIL 22, 1879.

GEORGE G. WALDRON, sworn, testifies as follows:

1. Question. Are you the editor or proprietor of the Democratic Volunteer published in the village of Hamilton?—Answer. I am proprietor, and father is editor.

2. Q. How long has it been published by you?—A. About thirteen years.

3. Q. Is it a Republican paper?—A. Yes.

4. Q. And what is your politics?—A. A Republican.

5. Q. Did you attend the district convention for this assembly district

at which the delegates were chosen to the last Congressional convention?—A. I did.

6. Q. How many delegates were at that convention?—A. Fifty-six. Seven delegates from each of the eight towns.

7. Q. Did Judge Mason receive the unanimous support of that convention for member of Congress, and were delegates to the Congressional convention in favor of the nomination of Judge Mason there chosen by acclamation?—A. Yes, sir.

8. Q. Did you act as one of the secretaries of that convention?—A. Yes, sir.

9. Q. Do you not understand that Judge Mason was unanimously nominated on the first informal ballot at the last Congressional convention as the Republican nominee for member of Congress from this Congressional district, and that he received every vote cast at that convention?—A. I so understand it.

10. Q. Do you know James Gilboy, of this village?—A. I do.

11. Q. And have for how long?—A. From a child up.

12. Q. About what is his age?—A. I think about thirty-eight.

13. Q. What are his habits?—A. Usually bad.

14. Q. Have you known of his being in jail at different times?—A. Yes, sir.

15. Q. What is his character and reputation in this community?—A. When he is under the influence of liquor is bad.

16. Q. Is it not a fact that for many years past he has been a habitual drunkard?—A. He has been a hard-drinking man.

17. Q. Did you see him on election-day?—A. I did.

18. Q. Before election had you spoken to him about his voting for Judge Mason; if so, tell when, and what was said?—A. I did day before election, on the sidewalk, in front of Mrs. Rice's millinery store. I asked him if he could not vote for Mr. Mason, as Mr. Mason was a candidate for member of Congress from Hamilton, and that he was a friend to him, and had given him work. Well, he said he had not given a great deal of work, but out of friendship to me for what I had done for him, if I would watch when he came into the hall, and give him a Mason ticket, he would vote it.

19. Q. Was there any offer or suggestion to pay him or any other improper influence used to influence his vote?—A. None by me.

20. Q. Was there by any other person to your knowledge?—A. No, sir.

21. Q. Did you see him come into the hall on election-day, and what time was it?—A. Yes; I think about eleven o'clock. I had no definite recollection of time.

22. Q. What did he do when he came in?—A. I stood by the polls, and started to meet him. I asked him if he had his votes; he told me he had a straight Democratic vote, or words to that effect. I told him I had a Mason vote, and would like to have him vote it. He said he would; he took the vote, and I went with him to the polls and saw him deposit it.

23. Q. Do you know Watts Cushman and James Benedict?—A. I do.

24. Q. Did those gentlemen, or either of them, go with Gilboy through the hall and toward the polls when he voted?—A. No, sir; I don't think they did.

25. Q. Whereabouts in the hall did you meet Gilboy?—A. About half way, I should judge, between table and the door.

26. Q. Did you see Mr. Benedict or Mr. Cushman at the time?—A. I did not see either one of them, or at least did not notice either one of them.

27. Q. If those gentlemen had accompanied Gilboy toward the polls, would you have seen them, in your judgment?—A. I should, in my judgment.

28. Q. Did you hear the evidence of Eugene Grosvenor, one of contestant's witnesses?—A. I did not.

29. Q. He testified that E. D. Van Slyck at one time said that Judge Mason had made a present to every editor in this Congressional district of from \$20 to \$100, without distinction to party, or words to that effect. Did Judge Mason make you a present of any money during that canvass?—A. No, sir.

30. Q. Did your paper, and did you through its columns, favor and advocate the nomination and election of Judge Mason?—A. Yes.

31. Q. Did your paper support the straight Republican ticket during that canvass?—A. Yes, sir.

32. Q. Did you ever know of Judge Mason making any editor in this Congressional district any present during last campaign?—A. No, sir.

33. Q. Is Mr. Van Slyck, the editor of the Democratic Republican, away from home; if so, state where he has gone and for what, if you know?—A. He is away from home. I understand he has gone South for his health.

34. Q. About how long has he been gone?—A. I think about three weeks.

35. Q. Do you understand that James Benedict is away from home; and, if so, how long has he been away, and for what?—A. He is away from home; he left a week ago yesterday at noon, or about eleven a. m., to go to Skaneateles to attend a funeral of his uncle. He went on receipt of telegram of his uncle's death.

36. Q. Did you hear any portion of James Gilboy's evidence?—A. Yes, sir; a little while in forenoon and also in afternoon.

37. Q. What do you say as to his condition at that time?—A. I think he was under the influence of liquor.

38. Q. Do you think that was the case both in the forenoon and afternoon?—A. Yes, sir.

39. Q. Did you hear him testify to his having a conversation with Benedict on Monday afternoon, and at another time saying it was the Saturday before by a large dry goods box in front of Woodruff's store and near thereto?—A. Yes.

40. Q. Did you look to see if there was any dry goods box there?—A. I looked during the afternoon of Tuesday, when he was sworn and did not see any.

41. Q. How soon after you heard him thus testify did you look for the box?—A. About 15 minutes.

APRIL 23, 1879.

Cross-examination of G. G. WALDRON, at 9 a. m. Wednesday morning:

42. Q. Are you the owner of that press and its appendages?  
(Objected to as improper and incompetent. Same ruling.)

A. I consider that as no evidence in this case.

43. Do you decline to state whether you are the owner of the paper, press, and appendages?—A. When the paper, press, and appendages are paid for they will be mine; that is my answer.

44. Q. Who is the owner until it is paid for?—A. I decline to answer.

45. Q. Is it not owned by what is known as the Madison County ring of corrupt politicians?—A. No, sir; I do not know of any such ring; furthermore no political ring influences my political action, and I have



never heard of any political ring in Madison County, only through sore-headed politicians and disappointed office-seekers.

46. Q. Then, I infer, you have heard of such a ring?—A. My answer is in there to that question.

47. Q. Will you swear that that paper is not owned by one or more men who it is alleged are members of that ring?—A. I know of no such ring.

48. Q. Has John E. Smith an interest in that paper?—A. No, sir; not one dollar.

49. Q. Has Charles L. Kennedy an interest?—A. No; not one dollar.

50. Q. Has William E. Lansing any interest in that paper?—A. No; nor never had.

51. Q. Or D. G. Wellington?—A. No, sir.

52. Q. Why do you decline to tell who is?—A. For reason better known to myself. I am willing to own that I am poor, but do not care to tell whom I owe; furthermore, that I have served three years in the United States Army for the protection of the Government of the United States, and by so doing my chances have been limited in gaining an honest livelihood, and that is the reason that to-day I am poor.

53. Q. My inquiries are not for the purpose of showing you either poor or rich or a pensioner upon the government, but simply to show who is the proprietor of this paper which as is claimed received a bribe to support Mason; that being so, please answer me who is the real owner or owners, if you will?—A. I consider there is no question there. I am owner when paid for.

54. Q. Have you the legal title?—A. I decline to answer upon grounds that I consider it no evidence in this case.

55. Q. Has Samuel P. Russell, of the city of New York, any interest in that paper?—A. No, sir.

56. Q. Or any other person of the city of New York or Brooklyn?—A. No, sir.

57. Q. What is its circulation?—A. I decline to answer or divulge my private affairs, but my circulation is about 600.

58. Q. After you started to give your last answer, did Mr. Smith contestee's counsel, suggest to you you had better answer as to the extent of your circulation?—A. He did.

59. Q. Was that the reason why you stated what your circulation was?—A. It was not.

60. Q. Please name the other Republican papers in this county, so far as you know?—A. The Oneida Dispatch, Cazenovia Republican, DeRuyter New Era, Hamilton Democratic Republican. The Canastota Herald was Republican last fall. The Brookfield Courier supported the Republican member of assembly, as he lived in that town.

61. Q. Now name the Democratic papers in the county?—A. The Democratic Union, of Oneida; Madison Observer, of Morrisville, of which E. Norton is editor. That is all.

62. Q. Name the neutral in politics?—A. The DeRuyter Gleaner, Chittenango Times, Earlville Enterprise, Brookfield Courier, Hubbardsville Echo, Cazenovia Standard, formerly the Georgetown Mutual.

63. Q. Name the Republican papers in the county of Oswego, so far as you know?—A. I only know about the Oswego Times.

64. Q. The Oswego Palladium is a Democratic organ, is it not?—A. Yes.

65. Q. Do you understand that during the last campaign there were several Greenback organs in the county of Oswego?—A. I know of but one out and out Greenback paper in Oswego County.

66. Q. What was the name of that?—A. The Paris Mirror, edited by Mr. Northrup, Greenback nominee for member of assembly.

67. Q. You say Mr. Gilboy's habits are usually bad. In what respect are they bad?—A. Drinking.

68. Q. You say when he is under the influence of liquor his character is bad. How is it when he is not?—A. I can say he is sort of a peaceable character when he is sober, but for past year or so he has not been sober very much.

69. Q. Did you and he once belong to the same temperance society?—A. No, sir.

70. Q. You understood him to be a Democrat, did you?—A. That is what he claims to be.

71. Q. Have you any means of knowing what number his vote is on the poll-book?—A. No, I have not.

72. Q. When you said to him the day before election what you did, did you give him any other reason for his voting for Mason except he (Mason) had given him work?—A. Yes.

73. Q. What?—A. As a friend to myself I should like to have him vote for Mr. Mason, or words to that effect.

74. Q. And he said on account of his friendship for you that he would?—A. Yes.

75. Q. Then am I right in supposing that this bad character and you were intimate personal friends to that extent that you had the right to ask him to vote against his choice because of such intimate personal relations and peculiar friendship?—A. No such statement made.

76. Q. As a man and as an editor of a great paper do you think that such reasons should be held out to a man usually under the influence of liquor to vote against what you knew to be his convictions?—A. I did not know they were his convictions, as he has usually voted for home candidates of different politics.

77. Q. Name one that you will swear positively that he voted for before this?—A. Hon. D. G. Wellington, for member of assembly.

78. Q. Name another?—A. I can't swear positively only as to what he said. He informed me that he voted for M. N. Campbell for member of assembly.

79. Q. Name another?—A. William Kelloway for constable. I heard him say that he voted for B. F. Newton for constable.

80. Q. When he came into the hall he had a Duffy ticket, did he not?—A. I did not see it.

81. Q. Did he inform you that he had the Democratic tickets?—A. He informed me that he had a Democratic ticket.

82. Q. Did you see it?—A. I did not.

83. Q. Did you see any tickets he had?—A. He had some pieces of paper doubled up in his hand. I could not tell whether they were tickets or not.

84. Q. About how many votes should you judge would be in at eleven o'clock?—A. I can't say as to that.

85. Q. Would you judge it to be over 100 to 125?—A. I should estimate it at about 200.

86. Q. Will you say positively that it was before noon that he came in?—A. I can't be positive, but I think it was.

87. Q. What time did you go to dinner?—A. I did not go to dinner on election day; I took a lunch at about three or four o'clock, at Temperance Dining Saloon.

88. Q. Did you make any record of the time when Gilboy voted or of the time you took your lunch?—A. No, sir.

89. Q. Will you swear positively that when Gilboy voted it was before one o'clock ?—A. I cannot swear positive when he voted.

90. Q. Then, as I understand you, you would not swear positively that he voted before the time indicated in his evidence, would you ?—A. No, sir.

91. Q. About how far is the door of the hall from where the ballot-boxes were ?—A. I can't say ; I should think about 40 or 45 feet.

92. Q. How far from the ballot-boxes did you meet Gilboy ?—A. Nearly half way.

93. Q. Who came in with him ?—A. I can't say ; I did not pay any attention to who came in hall with him. There were several stood around the door and in the aisles during the day.

94. Q. Can you name one person that was in that room away from ballot-boxes when Gilboy came in, aside from yourself and Gilboy ?—A. Yes ; Byron Case, Charles Risley. Can't name others.

95. Q. Did they participate in what you were doing for Gilboy ?—A. No, sir.

96. Q. You handed him a Mason vote, you say ?—A. Yes, sir.

97. Q. Did you take the vote he had ?—A. No, sir.

98. Q. As he went to the polls, did you take him by the arm ?—A. No, sir.

99. Q. Did you walk ahead of him, by the side of him, or behind ?—A. By the side of him.

100. Q. Did he vote the whole four tickets ?—A. I think he did.

101. Q. Did he soon go out ?—A. I did not notice when he went out. I did not notice him after he stepped back from table a few feet ; I went for some one else.

102. Q. Was Benedict peddling tickets that day ?—A. I cannot swear positively.

103. Q. Is it not your best recollection that he was ?—A. Yes.

104. Q. In behalf of Mason ?—A. I can't say as to that. There were some forty or fifty poll-drivers around there.

105. Q. Do you not understand that James Benedict was working in the interest of Mr. Mason on that day ?—A. No more so than the rest of the Republican ticket.

106. Q. Will you swear that Benedict and Cushman were not in that hall when Gilboy voted ?—A. No, sir ; for I did notice them.

107. Q. Is not what you mean, that you do not now remember of seeing them at that time ?—A. Yes.

108. Q. Was Cushman peddling votes that day ?—A. He was a poll-driver. Yes.

109. Q. Was Hollingsworth a poll-driver ?—A. No.

110. Q. If you did not notice Gilboy after he left the table, but was looking for somebody else, can you swear that Benedict and Cushman did not stand in the back part of the hall as Gilboy left the room, and there shake hands with him and say, " Bully for you " ?—A. No, sir.

111. Q. If Mason had given you a bribe and you had accepted it as such, do you think you would now own it ?

(Objected to, 1st, as improper ; 2d, there is no evidence that Mason gave any editor any bribe, but on the contrary Grosvenor said that Van Slyck told him the editors received a present. Same ruling.)

A. I think it is a very improper question and is asked through malice, as I never have had any bribe offered me whatever.

112. Q. (Question repeated.)—A. If I should be foolish enough to be bribed, I should consider it an honorable act to acknowledge it.

113. Q. I know it would be an honorable act to thus do it, but do you think you would do it?

(Same objections.)

A. I think the question is fully answered.

114. Q. You understand, do you not, that the Democratic-Republican has a larger circulation than yours, do you not?—A. I don't understand anything about it. I don't publish his paper.

115. Q. Do you understand that Mr. Van Slyck was opposed to Mason's nomination?

(Same objections. Same rulings.)

A. I don't understand so.

116. Q. You answered that Mr. Benedict left town a week ago last Monday for Skaneateles, did you not?—A. Yes.

117. Q. Did you say that he left about half past eleven?—A. Yes.

118. Q. On what train did he leave?—A. He did not leave on any train.

119. Q. How did he go?—A. He rode in a wagon, from here to Earlville in a wagon; he left me at the post-office corner. The wagon was there waiting. Frank Brown, of Earlville was driver.

120. Q. Before he left, did he talk with you in relation to the rumors about his buying Gilboy?—A. No, sir.

121. Q. Was there anything said about it?—A. No, sir.

Redirect examination:

122. Q. For the past thirteen years has any person been connected with the publishing or editing of the Democratic Volunteer as editor or proprietor?—A. No, sir.

123. Q. I understand from your answers to the counsel that you are somewhat in debt, but that you do not desire to disclose the names of your creditors; is that true?—A. If it's any evidence that will benefit this case I don't see any objection.

124. Q. And not regarding it as any evidence in this case, you therefore decline to name persons you are owing?—A. Yes, sir.

125. Q. With whom is all business concerning the publication and management of your paper transacted?—A. Myself.

126. Q. Is your paper under any special obligation or control of any men or man except yourself as the proprietor?

(Objected to, because witness has declined to answer contestant's questions to which this question relates. Same ruling.)

A. No, sir.

127. Q. In your conversation with Gilboy the day before election as one reason why you thought he should support Judge Mason, did you say to him, in substance, that he was a candidate from Hamilton?—A. Yes, sir.

128. Q. Had you and Mr. Gilboy been intimate friends, or were there intimate personal relations between you, as counsel suggested in his examination?—A. Not intimate friends, but I try to be a friend to everybody.

129. Q. Do you regard it as anything improper for you to solicit, in the manner you did, the vote of Mr. Gilboy for Mr. Mason?—A. No, sir.

130. Q. Did Mr. Gilboy inform you that he had one of Mr. Duffy's ballots?—A. No, sir.

131. Q. Did you see him have such a ballot?—A. No.

132. Q. You say you will not be positive as to the time of day Gilboy voted; what is still your best recollection as to the time?—A. Not far from eleven o'clock.

133. Q. You say that you could not swear positively who came into the hall with Gilboy. When you met him about half-way between the table and the door, did you see anything of Benedict or Cushman, to your recollection?—A. No, sir.

134. Q. Are you positive that the Mason ballot you gave Gilboy is the one he deposited?—A. Yes, sir.

135. Q. The counsel asked you if you would acknowledge that you had been bribed if you had been. Has any person ever offered to bribe or buy you, and have you had any experience in that matter?—A. No, sir.

136. Q. How did you understand Mr. Benedict went from Hamilton to Skaneateles?—A. From here to Earlville by team, and from Earlville to Syracuse by train.

137. Q. Were all these gentlemen you have named that Gilboy told you he voted for Republicans?—A. Yes.

GEORGE G. WALDRON.

Sworn and subscribed before me April 23, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison County, New York.*

*Deposition of Benjamin F. Bonney.*

APRIL 23, 1879.

BENJAMIN F. BONNEY, sworn, testifies as follows:

1. Q. Do you reside in the village of Hamilton?—A. I do, and have since 1839; have always lived in the town.

2. Q. What is your age?—A. Nearly sixty-one years.

3. Q. How long have you been postmaster at Hamilton?—A. Ten years.

4. Q. Do you know Charles Kelloway?—A. I do.

5. Q. Do you remember of Sebastian Duffy's making a speech in Hamilton during last political campaign?—A. I do.

6. Q. Did you hear that address?—A. I did.

7. Q. About how long was that before election?—A. About two weeks.

8. Q. Up to that time had you understood that Charles Kelloway had been somewhat in favor of Greenback principles?—A. I had heard so.

9. Q. Did you have a conversation with Mr. Kelloway soon after Mr. Duffy made that speech; if so, state when it was and what was said?—A. I had a conversation with Mr. Kelloway soon after that meeting, at my house; I don't know as I can state the whole conversation, but the substance was about the Greenback principles or movement. He said he had in early part of season or fore part of summer had sympathy with the Greenback movement, but the more he had investigated it, particularly since Mr. Duffy's speech, he made up his mind to have nothing more to do with it; he had always voted the Republican ticket and should do so this fall; that he should vote for Judge Mason, and wished me to tell the judge so. That is the substance of the conversation.

10. Q. About how long was that after Mr. Duffy made his speech?—A. A day or two.

11. Q. Did you see and inform Judge Mason what Kelloway said?—

A. Yes, I did.

12. Q. After that did you ever hear Mr. Kelloway express himself in favor of the Greenback principles or say or intimate that he should not vote the Republican ticket and support Judge Mason?—A. I never did.

## Cross-examination:

13. Q. Did you hear Mr. Kelloway say anything upon the subject of Greenbackism after the time you speak of?—A. Nothing particular.

14. Q. How soon after Mr. Duffy's speech, which was the 22d day of October, was it that you had that conversation?—A. A day or two; can't state exact time.

15. Q. (Contestant's Exhibit A shown the witness.) That is a queer-looking document if your evidence be true as to dates?—A. Yes.

16. Q. Did you not learn that on the Friday evening previous to the election he attended a Greenback meeting at Poolville?—A. I understood so.

17. Q. Were you aware that on Sunday evening previous to the election that he was a strong Greenbacker and expressed bitter hostility toward Mason?—A. I was not.

18. Q. Were you aware that up to the night before the election, and that until past midnight he was bitterly hostile to Mason, and so expressed himself?—A. I was not.

19. Q. He was subpoenaed by contestee to give evidence at a former sitting, was he not?—A. I don't know that I heard he was subpoenaed.

20. Q. Were you and he present in Tripp's Hall, as you understood, expecting to be called as witnesses?—A. I don't remember. I saw him that day.

21. Q. Did you not understand, though pressed by counsel, he declined, saying, if you do I shall have to swear that Mr. Mason himself paid me money on the night before the election?

(Objected to; that the rumor is not competent proof, and further, they cannot prove a conversation between witness and counsel. Same ruling.)

A. I did not.

22. Q. Did you know that he declined to take the stand?

(Objected to. The rumor as question is hearsay and incompetent. Same ruling.)

A. I can't say that I did.

23. Q. Can you say you did not?—A. I have no recollection of hearing that.

24. Q. Did you hear anything on the subject?—A. There was a good deal said about Kelloway's going on to the stand.

25. Q. A good deal said by people generally?—A. Yes.

26. Q. You learned that he did not?

(Same objections. Same ruling.)

A. I supposed he gave evidence; I did not know.

## Redirect:

27. Q. Have you any knowledge that Mr. Kelloway ever refused to take the stand?—A. I have not.

28. Q. And if Mr. Kelloway has not been sworn have you any knowledge as to why he has not?—A. I have not.

29. Q. Have you any knowledge that Mr. Kelloway signed the paper shown you as contestant's Exhibit A?—A. I have not.

## Recross-examination:

30. Q. (Exhibit A shown witness.) In whose handwriting is the body of that instrument?—A. I don't know. I don't know as I have seen Mr. Kelloway's handwriting to know it.

31. Q. Have you any reason to doubt but that is Charles Kelloway's signature?

(Objected to. The witness has said he did not know Kelloway's handwriting.)

A. I don't know as I have.

B. F. BONNEY.

Sworn and subscribed before me April 23, 1879.

STATE OF NEW YORK,

*County of Madison, ss :*

Edward Norton, of Morrisville in said county, being duly sworn, doth depose and say : that he is the proprietor and publisher of the "Madison Observer," a newspaper printed and published at Morrisville aforesaid ; and which said paper was printed and published long prior to and during the year 1878 and ever since ; that he knows the said Joseph Mason ; that he has not seen the said Mason within the last ten years, nor has he had any communication with him either directly or indirectly during said period ; that he has not received any money whatever or the promise of any from said Mason or by or through any person in his behalf ; and deponent further says he does not know of any proprietor, proprietors, publisher or publishers of any newspaper printed or published in said county of Madison or elsewhere having received any sum of money whatever, or the promise of any, from said Mason or by or through any person in his behalf.

E. NORTON.

Subscribed and sworn to before me this 19th day of April, 1879.

LUCIUS P. CLARK,  
*Notary Public.*

It is hereby stipulated that "The Madison Observer," published at Morrisville, Madison County, N. Y., of which E. Norton is editor and proprietor, is a paper of limited circulation, not to exceed six hundred subscribers ; that it is not a very active political paper and not as active as other Democratic papers in this Congressional district, but still it is and always has been a Democratic paper and supports the Democratic nominees, and at the last general election supported Sebastian Duffy for member of Congress.

Dated April 23, 1879.

S. D. WHITE,  
*Attorney, and of Counsel for Contestant.*  
JOHN E. SMITH,  
*Attorney, and of Counsel for Contestee.*

The above affidavit of E. Norton offered in evidence pursuant to the above stipulation and by consent of parties, also stipulation above received.

*Deposition of Dr. E. Dodge.*

Dr. E. DODGE, sworn, testifies as follows :

1. Question. Were you at Utica in March last when the case of The People against certain gentlemen attending the Madison University was before the United States grand jury ?—Answer. Yes, sir.

2. Q. Were you subpoenaed to attend before the grand jury ?—A. Yes.

3. Q. By whom ?—A. Marshal Higginson.

4. Q. Where was you when the case was called before the grand jury ?—A. I think I was in the court room. I recollect we had a good deal

of difficulty in getting the case called, and I was notified the case had been called and no one responded, and another case was taken. I went at once to United States District Attorney Townsend, and told him the case had been put off again, and reminded him of his promise the case should come off that day; he replied that he would attend to the matter, and I left and went down to the door of the room where the grand jury were in session. Subsequently they went in and the case was disposed of. I was not called before the grand jury.

5. Q. When the case was called on did you come down from the court-room into the hall below and ask if Mr. Townsend had gone into the jury room, and did some person answer, no; and did you then say he, Townsend, had promised to take care of the case?—A. No, sir; I don't think I did.

6. Q. Did you go up stairs to the court-room and get Mr. Townsend?—A. No, sir.

7. Q. Did Mr. Townsend promise you that he would take care of the case?

(Objected to as incompetent and not in reply. Same ruling.)

A. No, sir.

8. Q. Did you have any conversation with District Attorney Townsend, or any other person, in which you said or did anything to prevent an indictment being found against those students?—A. No, sir.

9. Q. Geo. Beal, a witness for contestant, testified that you seemed to be very anxious that those students should not be indicted. Did you have any anxiety or desire to prevent an indictment being found against them if it was just and proper that they should be indicted?

(Objected to; same ruling.)

A. No, sir.

10. Q. Did you say or do anything manifesting a desire or disposition to prevent an indictment?

(Objected to as not evidence in reply. Same ruling, and waived.)

11. Q. Did you know of Commissioner Dennison being before grand jury?—A. Yes.

12. Q. Did you then understand or have you since learned that he was subpoenaed by the people to produce before the grand jury the minutes taken by him on the examination of these students?—A. I have so understood. I don't know anything about it.

13. Q. Did you know or hear any intimation that any money was offered or paid to, or other influence brought to bear upon, the United States district attorney, his assistant, or any other gentleman, either by Judge Mason or any person in his interest, or by any one else, to prevent an indictment being found against those students?—A. No, sir.

14. Q. Did you know or see anything indicating that any person in the interest of Judge Mason, or otherwise, was trying to prevent an indictment being found against those students?—A. No, sir.

15. Q. Did you know or see anything to indicate that Commissioner Dennison in any way tampered with the grand jury, or district attorney, or marshal?—A. No, sir.

16. Q. Did you know of Mr. Mason having any secret or other agents at Utica?—A. No. My whole relation and all my interviews with Mr. Townsend related simply to getting the case on so I could return home. I did not touch the merits of the case.

#### Cross-examination:

17. Q. A gentleman of character has informed me that you stated to him, or in his hearing, some time since the students were first arrested.



that you should draw your purse two or three times before those students went to prison; did you say so?—A. No, sir; I have no recollection of it.

18. Q. Would you say that you have not?—A. Yes, sir; those exact words.

19. Q. If those were not the exact words, were those the words in substance?—A. I have not the slightest recollection of any such thing.

20. Q. Will you swear positively that you have not?—A. I will swear positively that I have not the slightest recollection of it.

21. Q. Did you desire that those students should be indicted in March last?—A. No, sir.

22. Q. Did you think they ought to be indicted?—A. No, sir.

23. Q. Did you testify when on the stand before that you did not regard the great majority of students at your university as voters?

(Objected to; not proper to this cross-examination. Same ruling.)

A. I think I did, sir.

24. Q. From any information that you have received do you regard A. J. Cole as an exception to that rule?—A. Yes.

25. Q. On account of his permanent residence in Hamilton?—A. Yes, sir.

26. Q. You understood he swore he intended to live here permanently?—A. No; I did not hear.

27. Q. In what respect do you understand he was an exception to that majority rule?—A. Had left the school and lived here.

28. Q. Was he not in the school at the time of his arrest?—A. I suppose not.

29. Q. Can you distinguish the case of Mix, Moore, and Kneeland from the case of the Democratic students in Allegany County? If you can please do so.—A. I don't know the case of the Allegany County students.

30. Q. Have you not read Judge Wallace's opinion or charge to a jury in a given case, nor heard it read?—A. No, sir.

31. Q. Nor heard its contents stated?—A. No, sir.

32. Q. Did you form an opinion in the city of Utica or elsewhere as to the cause or means of this last move against the students? If so, state it.—A. No, sir.

33. Q. Was the move against them a surprise to you?—A. Yes; I was not expecting it.

34. Q. Did you make inquiries as to who or what influence started it?—A. I asked that question and made suggestion.

35. Q. Of whom did you ask that question?—A. I think to members of faculty.

36. Q. State the suggestion you started to make and give its author.—A. I cannot tell, except that I thought, perhaps, it correct.

37. Q. State the impression which you now have that it was.—A. I have not any, except that that seemed to be correct. Thought that Mr. White and other Democrats were doing it.

38. Q. Then I take it from your answer that you thought the correct idea was that it originated from other sources than from Mr. White and other Democrats.

(Objected to, as witness's opinions and thoughts are not evidence.)

A. Yes.

39. Q. From what source, then, did you think that prosecution came? (Same objections; same rulings.)

A. It was suggested to me that the attorney, predecessor of Mr. Townsend, was somehow interested in the case, and that they came to Mr. Townsend as a sort of legacy. This suggestion I heard in Utica.

40. Q. But you said a moment since that you formed an impression from a remark which some member of the faculty said to you, and from what he said you concluded that the prosecution originated from other sources than from Mr. White or his friends. Did you not say that, or that in substance?—A. I don't know that I did; I did not intend to.

41. Q. What idea or impression did you gain from this member of the faculty?—A. That it probably came from Mr. White and his friends. That was the talk here. I had my own opinion, unsuggested, which was that the other side might be willing to let it go and secure a judicial decision for the sake of the authority it would bring; that was my own until I went to Utica.

42. Q. What do you mean by the other side in your last answer?—A. Those lawyers who were on the defense of these young gentlemen.

43. Q. Did you mean by that Mr. Keith and Mr. Underhill?—A. Yes, sir; and whoever they were.

44. Q. Did you at the same time think that this Congressional contest might have something to do with its origin?—A. Certainly. I thought it would be used for or against.

45. Q. Do you not see that if Commissioner Dennison had violated law and he had been bribed to do it, that if the case were taken before the grand jury and it had rendered its decision the same as his, that that fact would in a measure tend to justify him and prove that corrupt influences had not been brought to bear upon him to give the decision he had; or in other words, that the proceedings before the grand jury, if it could be made through unseen influences to result in an acquittal, would tend to whitewash Commissioner Dennison, and relieve him from suspicion, or perhaps a charge of being bribed?

(Objected to. First, it is improper; second, it assumes a state of facts not proven. Same ruling.)

A. On that supposition I do.

46. Q. Assuming, sir, that the evidence given early in this contest, which was prior to your visit in March to Utica, tended to show and did conclusively show that these students were advised not to vote the Congressional ticket, because they could not be shielded in the United States courts, but that they would be safe in voting the State ticket because they could be taken care of, shielded and protected before a Madison County grand jury, and Mr. John E. Smith, the district attorney of this county, being a Republican, an intense partisan, a strong personal friend of Mason, and his counsel besides; and assuming the further fact, which was also conclusively proved, that we could look to no relief from the United States courts—that court, notwithstanding it had convicted Democratic students for voting, yet when an attempt was made therein to convict Republican students, a man called Dennison, and styled commissioner, had, after waiting until after the grand jury had risen at Albany, rendered a decision in their favor and had suppressed the prosecution against the negro Hollingsworth—after all those facts had appeared in this contest, do you not see that it was important and necessary for this contestee or his friends to do something to relieve themselves from that state of facts, inasmuch as such facts are to be decided by an impartial tribunal?

(Same objections; same ruling.)

A. I should say, looking through the series of assumptions, it was important for contestee to do something for himself.

47. Q. Upon those assumptions can you see any reason why the contestant or any of his friends had any reason to make a further move against the students?

(Same objections and rulings.)

A. No, sir.

48. Q. Have you not heard it said, sir, and that, too, by a member of your faculty, and that just before you were subpoenaed to attend before the grand jury, that he saw Mr. Lamoree in the city of Utica?—A. No, sir.

49. Q. Did you reside here in the year 1872?—A. Yes.

50. Q. And were you then the president of the University?—A. Yes, sir.

51. Q. Do you not know, or have you not understood, that in that year the students of your school organized themselves into a military company, numbering over a hundred, marched to the village, were met by a man on horseback, and, with a band of music, thence marched to the polls and there voted for the greatest usurper of the centuries—the most desperate political assassin since the days of Robespierre and Danton?

(Objected to as incompetent, and has no relevancy or connection with the election held in 1878, at which Judge Mason was so triumphantly elected to Congress. Same ruling.)

A. I never heard of any such thing before.

Redirect examination :

52. Q. A large number of the questions propounded to you by the counsel are based upon assumptions which have not been proven in this case, and of the truth of which assumptions there has been no evidence given, and your answers to those questions have been based upon such assumptions. Do you accept those assumptions as true or founded on fact?—A. No, sir; in no sense or degree at all.

53. Q. Have you any knowledge that the statement made to you by one of the faculty that those Democratic persons who originally caused the arrest of the students were not the ones that made the complaint before the grand jury?—A. No, sir.

54. Q. Did you not understand that the persons that caused their arrest were the friends and supporters of Mr. Duffy, and that Mr. White, Duffy's counsel, aided in that prosecution before commissioner?—A. I heard it so stated.

55. Q. And did you not hear it so talked in Hamilton?—A. Yes.

56. Q. I understood you to say when examined by Mr. White that you heard it talked here at Hamilton that the friends and supporters of Mr. Duffy—I mean members of the Democratic party, including Mr. White, caused the complaint to be made and the matter brought before the grand jury in March last?—A. Yes.

57. Q. Have you any knowledge or reason to doubt, founded upon any fact which you know, that that was not the true version, and that the persons who made those statements were not correct in their statements?—A. I have no knowledge, I have no reason, upon any fact.

58. Q. Did you hear any different version until you reached Utica?—A. I am not sure that I heard any except a response to my suggestions.

59. Q. Were different members of the Democratic party, and, as you understand, friends and supporters of Mr. Duffy, and aiding him in this contest as witnesses or otherwise, at Utica when the case of the students was brought before grand jury in March last?—A. I do not know that there was. There were some Democrats there who were there as witnesses.

60. Q. Can you now say that the suggestion made to you at Utica, which in substance was that the ex-district attorney had caused this

matter to be brought before the grand jury, or that it was because of him that it was brought, or that it was not made to you by some Democrat from Hamilton who had been assisting in this contest, and was there in attendance as a witness?—A. Perhaps it was.

61. Q. That suggestion was, whoever made it, in substance that the case was brought before the grand jury by the United States officials, the matter not having been fully determined by presentation to and investigation by the grand jury during the term of office of Mr. Townsend's predecessor?—A. That might be the inference I would naturally draw, but it was not the suggestion.

62. Q. It has been suggested by contestants' counsel that the Madison University promised to confer upon Commissioner Dennison the degree of Doctor of Laws in consideration of the opinion which he wrote and decision by him made in discharging those students. Is there any truth in that suggestion?—A. Oh, not the slightest element of truth in it.

63. Q. Have you any reason to doubt but that Commissioner Dennison's decision in discharging those students was honestly in accordance with the facts proven before him upon their examination?—A. I have no reason whatever.

64. Q. Have you any reason to doubt that the investigation before the grand jury was not honestly and fairly made?—A. None whatever.

65. Q. You stated to the counsel that you did not desire the students indicted. Will you please state why you did not want them indicted?—A. Because I thought they had voted for last twenty-five years, and that in equity were entitled to, I mean those who had acquired a residence independent of their being connected with the institution.

66. Q. Do you not know or understand that the students complained of had acquired that residence, and did you not believe that they voted in good faith?—A. I so understood and believed.

67. Q. Had you heard any suggestions that if any person attending Madison University had committed any violation of the election laws that he could not be properly dealt with by the prosecuting officers of our own county, or that such officers would not be willing to discharge their duty in such prosecution?—A. No, sir. I have heard criticism.

68. Q. Had you ever known of any complaint being made to the present district attorney of this county against any of the students for illegal voting?—A. No, sir.

69. Q. Had you ever known that any indictment of the students had ever been prevented by any of the prosecuting officers of this county?—A. No, sir.

70. Q. Did you ever know of any complaint against the students being made in this county to any of the county officials; and, if so, when?—A. No, sir.

71. Q. Have you heard it suggested, or any criticism, that the present district attorney would not properly prosecute the students if they had been indicted?—A. I have heard nothing about it, one way or the other.

E. DODGE.

Subscribed and sworn to before me, April 23, 1879.

CHAS. W. UNDERHILL,  
Notary Public for Madison County, N. Y.

*Deposition of E. E. Welton.*

E. E. WELTON sworn, testifies as follows :

118. Question. Did you ever tell George Beal, or C. W. Stapleton, or Thomas Beal, that you had got acquainted with several of the grand jurymen; that you had talked with them about the case of the students, and they understood the case?

(Objected to upon the ground that the witness was interrogated upon that subject by both sides when on the stand before. Same ruling.)

Answer. No, sir.

119. Q. Did you tell either of those three persons that District Attorney Martin I. Townsend had promised to take care of the case, and did you say if Townsend went into the jury-room before the grand jury there would be no indictment?—A. I have no recollection of saying any such thing to either of those gentlemen. I may have said that I understood that District Attorney Townsend would give that grand jury advice in regard to the law.

120. Q. Did you know, or have any intimation, as to what advice Mr. Townsend would give that grand jury upon the law?—A. I did not.

121. Q. Did you every say to either of those gentlemen that if Mr. Townsend went before the grand jury that there would be no indictment?—A. I am very confident that I never said any such thing to them.

122. Q. Before the case was finally disposed of, did you know or have any intimation as to what that grand jury would do?—A. I had none.

123. Q. Did you ever assume to state that you had any knowledge upon that subject?—A. No, sir.

124. Q. Did you hear opinions expressed by different persons as to what would be the result of the investigation before the grand jury?—A. Well, sir, I cannot state positively whether I heard an opinion from witness that went from here. I certainly heard no opinion from any one else.

125. Q. Did you talk with Mr. George Beal, Thomas Beal, or Mr. Stapleton, upon that subject?—A. I think I did, with all of them.

126. Q. Do you now remember the opinions given by either of those gentlemen?—A. I don't remember as they gave any opinion.

127. Q. Do you remember of expressing any opinion of your own, to either of those gentlemen?—A. I think I did.

128. Q. Do you now remember that opinion? If so, state it.—A. Yes; my opinion was, there would be no indictment.

129. Q. Was that opinion based upon anything said to you by any grand juror, by the United States attorney, or any other official?—A. It was not.

130. Q. Was it not rather based upon what you thought the law and the facts were, and also upon the fact that Mr. Underhill and Mr. Keith, two reputable attorneys of this village, who had examined the legal questions involved and gave it as their opinions that the students were voters, and also that the United States commissioner, after, as you understood, a careful investigation, had decided they were legal voters?—A. Those are the reasons; the last one the most important.

131. Q. Did you ever intend to convey to either of those three gentlemen anything more than your own opinion on that subject?—A. Nothing more.

132. Q. Were you examined before the grand jury?—A. I was.

133. Q. After you had given your evidence before that jury did you say to either of those three gentlemen that from the questions asked you

you believed there would be no indictment found ?—A. I cannot say positively whether I did or not. I may have expressed that opinion. If I did, it was a mere opinion.

134. Q. Were you thoroughly examined as to the facts within your knowledge bearing upon the question before the jury ?—A. I suppose it was a thorough examination. I never was before a grand jury before. The deputy district attorney and the foreman of grand jury examined me.

135. Q. George Beal testified that after making the remark contained in the last question but one you seemed pleased. Do you remember of saying anything or doing anything that indicated such pleasure on your part ?—A. I have no recollection on that matter.

136. Q. After you came from the grand-jury room did you know or assume to know to state to any person that there would be no indictment found ?—A. No.

137. Q. When was the first intimation made to you, and by whom, that you had in any way interfered with the grand-jury ? Please state what was said.—A. A short time after I left the jury-room, while in the hall in front of jury-room, Marshal Higginson came to me and said, I hear or understand that you have been tampering with the grand jury. I said there is no truth in the report. I then gave him the conversation that I had with Mr. Wilson—the conversation I swore to when on stand before. Mr. Higginson said he did not believe the charge when it was made.

138. Q. And was there in fact any truth in that charge ?—A. Not a particle.

139. Q. Did Mr. Higginson withhold from you the fact that George Beal and Mr. Stapleton had told him that you had been bull dozing or tampering with the grand jury ?—A. He did not tell me and I never learned until within a few days.

140. Q. Have you now stated all that there was concerning that accusation ?—A. Yes; the substance of all that was said. There were more words.

141. Q. Did you tell either of those three gentlemen above named at that time that you had had conversation with several of the grand jury ?—A. No, sir.

142. Q. Did the marshal tell you he would prosecute you; that he thought such an old man like you should know better, or anything like it ?—A. He threatened no prosecution, but I think did make this remark, that an old man like me would know better than to tamper with grand jury.

143. Q. And did he give that as one of the reasons why he did not believe the accusation against you ?—A. I think that was one of the reasons.

144. Q. Did you know of Commissioner Dennison being subpoenaed to produce before the grand jury the minutes of the investigation kept by him in the case against the students ?—A. I heard he was subpoenaed for that purpose and he appeared there. I don't know as he had the minutes.

145. Q. Did you know of Commissioner Dennison or of any other person tampering with the grand jury, or trying to prevent an indictment ?—A. I did not.

146. Q. Did you see anything while at Utica indicating anything of the kind ?—A. No, sir.

147. Q. So far as you know, was not that investigation before that jury fairly and honestly conducted with a view that the jury might justly

determine between the people and students?—A. So far as I know, that was the object.

148. Q. Before the jury had determined or passed upon the case of the students, did you have any conversation with any grand-juryman except the one at hotel, Mr. Wilson, and that as you have stated?—A. I think I had a conversation with one other of the jurymen upon other subjects, but not on this matter of the students.

Cross-examination :

149. Q. Do you remember some years ago that students came and voted, accompanied by a band of music, commanded by Colonel Bonney on horseback?

(Objected to.)

A. I never saw it. If any such thing took place it must have been when I was absent from town. I have heard it so stated.

150. Q. About how many years ago you heard it so stated?—A. I have no recollection. It must have been a good many years ago.

151. Q. Did you not hear that Col. Wm. F. Bonney was commander?—A. If I ever heard of it it has gone from my memory now.

152. Q. Did you not hear they were headed by a band of music?—A. If I have heard, it has gone from my memory entirely.

153. Q. Do you now say that you cannot say whether or not you have ever heard of that fact?—A. There is a something, but what I cannot tell; but it occurs to me that a few years ago I heard that some such operation took place by the students. I have no definite and distinct recollection about it.

Redirect:

154. Q. Can you now say that the students the counsel alludes to that marched to the polls in the manner by him claimed were not Democratic students?—A. Of course I can't say anything about it.

155. Q. Can you say that you did not hear that those students, or a portion of them, were Democrats?—A. No.

156. Q. Have you any recollection of hearing that Col. Wm. Bonney commanded or marched to the polls with those students?—A. I have no recollection of it.

157. Q. Can you say but that the person who commanded those students and marched them to the polls was a Democrat?—A. No.

158. Q. Do you know that you did not hear that he was a Democrat?—A. No.

Recross:

159. Q. Since the organization of the Republican party what proportion of the students have been Republicans?—A. Three-fourths of them.

160. Q. Do you know of more than five now in the university that are Democrats?—A. I don't call to mind but three now. There may be more.

161. Q. Was there an effort made some two years ago before a Madison County grand jury to indict the students?—A. Yes.

162. Q. What was the result?—A. They were not indicted.

Redirect:

163. Q. Have you any knowledge but that matter was fully heard and properly decided?—A. No.

E. E. WELTON.

Sworn and subscribed before me April 23, 1879.

CHAS. W. UNDERHILL,  
Notary Public for Madison County, N. Y.

APRIL 24, 1879.

Statement (official) of entire vote for member of Congress in Madison County offered in evidence. Received and marked Contestee's Exhibit "C" and annexed at end of next deposition.

*Deposition of Henry Tibbitts.*

HENRY TIBBITTS sworn, testifies as follows :

1. Question. Where do you reside ?—Answer. Hamilton village.
2. Q. What is your age and occupation.—A. I am a blacksmith; 41 years old.
3. Q. Are you acquainted with Lyman Wells, Byron Case, and William Kelloway of this village ?—A. Yes.
4. Q. Did you see those gentlemen the evening before the election held November 5, 1878 ?—A. Yes, sir.
5. Q. Where did you first see them ?—A. I think I met them at Tripp's store.
6. Q. About what time in the evening did you meet those gentlemen at Mr. Tripp's store ?—A. About seven or seven-thirty; can't say positively.
7. Q. Did you go with them to any place; if so, where ?—A. Yes; to William Kelloway's house to play dominoes.
8. Q. Did you all go together to Kelloway's house, or did Kelloway precede you ?—A. All together; perhaps a few steps apart.
9. Q. About what time did you four men go to Mr. Kelloway's house from Tripp's store ?—A. From seven to seven-thirty; can't state exact time.
10. Q. What did you four men do ?—A. Played dominoes.
11. Q. And you remained there how late ?—A. I think when I got home and wound my clock it was fifteen minutes to eleven o'clock.
12. Q. Then what time did yourself, Mr. Case, and Mr. Wells leave Kelloway's that night ?—A. I think it was half past 10 o'clock.
13. Q. From the time you went to Kelloway's up to the time you left, as you have stated, did Mr. Kelloway leave his house ?—A. No, sir.
14. Q. How do you know ?—A. Because I was playing dominoes with him; he was my partner.
15. Q. Did Mr. Case, Wells, and yourself leave Kelloway's at the same time ?—A. Yes, sir.
16. Q. Where was Mr. Kelloway when you left ?—A. In his house: and we left him there.
17. Q. About how far from the town pump and from the post-office corner is it to Mr. Kelloway's residence ?—A. I think about 10 rods.
18. Q. In going from post-office corner to Mr. Kelloway's, what streets do you pass over ?—A. Down Lebanon street.
19. Q. How far from Kelloway's house to your residence ?—A. Thirty or forty rods.

Cross-examination :

20. Q. For whom did you vote for member of Congress ?—A. Mr. Duffy.
21. Q. I take it from that you were not a hard-money Democrat, were you ?—A. Yes.
22. Q. How many nights did you play at that rendezvous in November ?—A. I don't know; I put in a pretty good month.
23. Q. Did you play for anything ?—A. Only for our own amusement.



24. Q. What time did you leave Kelloway's on Saturday evening?—  
A. I think nearly ten o'clock.

25. Q. Did you think, as you left Kelloway's on Monday evening or as you arrived home, that the question of time would ever be called in question?—A. No.

26. Q. And you had not thought of it until you heard of Kennedy's evidence?—A. I don't know that I did; I did not think of it.

27. Q. What time did you get home Tuesday evening?—A. About 10 o'clock.

28. Q. Wednesday evening?—A. I can't tell as I know of.

29. Q. Any other evening that month except those two evenings?—  
A. I don't know as I can; I have reasons for knowing what time I got home those two evenings.

30. Q. Did you see anybody upon the streets as you left Monday evening?—A. Mr. Case and Mr. Wells are all I remember; we went together.

31. Q. Your family abed when you got home?—A. No; my wife was up.

32. Q. Did you wind your clock Saturday evening?—A. Yes; I always wind it myself.

33. Q. Are you a brother of Austin Tibbits?—A. I am.

HENRY TIBBITS.

Subscribed and sworn before me April 24, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

*Statement in relation to Member of Congress.*

The board of county canvassers of the county of Madison, having met at the office of the clerk of said county on the 12th day of November, 1878, to canvass and estimate the votes given in the several election districts of said county at the general election held on the 5th day of November, in the year aforesaid, do hereby certify as follows, to wit:

That it appears, on such estimate and canvass, that the whole number of votes given for Joseph Mason was four thousand six hundred and seventy-one (4,671); Sebastian Duffy was four thousand six hundred and sixty-four (4,664); Winfield S. Smyth was two hundred and eighty (280).

Dated the 13th day of November, in the year 1878.

MELVIN TRIPP,

*Chairman.*

JOHN N. WOODBURY,

*County Clerk and Secretary.*

STATE OF NEW YORK,

*Madison County, Clerk's Office, ss:*

I, John N. Woodbury, clerk of said county, and of its courts of record, do hereby certify that I have compared the annexed copy of statement of canvass relating to members of Congress and of the indorsements thereupon, with the original record thereof remaining in this office, and that the same is a correct transcript thereof, and the whole of such original.

In witness whereof I have hereunto set my hand and affixed the seal of said county, being also the seal of said courts, this 24th day of March, 1879.

[SEAL.]

JOHN N. WOODBURY, *Clerk.*

## CONTESTEE.

*Deposition of Edward Van Slyck.*

APRIL 25, 10 a. m., 1879.

EDWARD D. VAN SLICK, recalled, testified as follows:

253. Question. Are you acquainted with Eugene F. Grosvenor?—Answer. Yes.

254. Q. Do you remember of being in his store, and having a conversation with him? If so, state when it was.—A. Can't state exact time; probably ten days or two weeks after election.

255. Q. Did you, in that conversation, or at any other time, say to him that the editors in this county and Oswego County received a present from Judge Mason, irrespective of parties, from \$20 to \$100?—A. I never thought of any such thing, and of course I never said it.

256. Q. Had you heard such a rumor?—A. No.

257. Q. Did you reckon up and say to Mr. Grosvenor that it took about \$2,000, paid to editors?—A. I have no recollection of ever thinking or saying any such thing.

258. Q. Did you say that to him?—A. No; not unless I did it when I was asleep.

259. Q. In the conversation which you had with him, did you make any statement to him concerning the use of money as a fact, or was your conversation rather upon the subject of rumors?—A. My conversation was upon the rumors I had just heard, and intended him so to understand. I had heard the rumor that day for the first time that Mr. Mason had sent \$1,500 to Oswego a few days before election; I had also heard that Mr. Mason had subsidized the press; and this matter we talked over was on these rumors which I had just heard, and which were new to me. We went through a reckoning—I can only give the substance of what was said and done—to see how many Republican papers there was in the district, and what it would come to if the rumor was true. I don't recollect what the figures amounted to. That if Judge Mason had spent the money these rumors claimed he had, that the whole amount of such legitimate expenses would be less than \$1,000. The \$1,500 I never had any idea there was any truth in, and I never had talked with anybody, and had never heard of anybody that believed it. I don't recollect anything further. It was a conversation that occurred when I went in to borrow some money.

260. Q. Making up this estimate based upon those rumors as you have stated, did the amount include the money, as you estimated, which you had just heard it rumored had been given to the editors?—A. It did.

261. Q. Did you intend to be understood that you believed those rumors, or were you rather speaking of them as mere rumors, and not as facts?—A. I only spoke of the most of it as mere rumors, but there was some things spoken of as facts—the assessment of the county committees; and the chairman of Madison County committee told me he was assessed \$200; and those points are the only ones I expressed myself as being facts. If I failed to make myself understood it was my fault.

262. Q. Did you intend to be understood that you knew or believed that Mason had sent \$1,500 to Oswego?—A. No, sir; I laughed at the idea at that time.

263. Q. Do you now remember from what source you heard that rumor?—A. I cannot tell.

264. Q. Can you say you did not hear it in the street, and that it was not a mere street rumor?—A. I think I did hear it in the street.

265. Q. Can you say that you did not hear it from one of Mr. Duffy's political friends?—A. I can't tell anything about where I heard it or from whom.

266. Q. Had you any knowledge or belief in the truth of that rumor?—A. I have no knowledge, and do not believe the rumor.

267. Q. Had you any knowledge that Judge Mason had made a present to every Republican editor in this district, or to every editor, without regard to politics, of from \$20 to \$100, or any other sum?—A. None whatever.

268. Q. Do you, or at the time of the conversation with Grosvenor did you believe that Judge Mason had made a present to every editor in the district or to every Republican editor?

(Objected to as not competent under the stipulation. Objection overruled.)

A. I have no belief in regard to his giving a present to every editor. I don't think I had heard that he had made a present to every paper. The rumor was to every Republican paper.

Cross-examination :

269. Q. When did you first learn, and from what source, that your evidence was desired upon this point?—A. Yesterday afternoon.

270. Q. Counsel for contestee have stated in open court that your evidence was desired and that Mr. Mason had written that you would be here, and desired yesterday morning a postponement on that account. Is it not true that you met Mr. Mason in the city of New York, and did he not say that he or his counsel desired your evidence?—A. I met Mr. Mason in New York City Tuesday afternoon and told him I should be home the last of this week; beside the fact that this investigation was still proceeding, which he informed me, there was not a word passed between us in regard to this matter at all.

271. Q. Where in the city did you meet him?—A. At Windsor Hotel.

272. Q. How did you know he was there?—A. Mr. James told me he was there sick.

273. Q. Before that, did you not know he was in the city?—A. No, sir.

274. Q. Counsel have stated they desired to call you to contradict Mr. Grosvenor. That word had been sent you to the city of Washington. Is that true?—A. I received no word. Don't know how much had been sent.

275. Q. You have been to Washington?—A. Yes.

276. Q. When you left home did you not expect to go further south?—A. I did expect to.

277. Q. Did you hear anything about Grosvenor's testimony before you returned to Hamilton?—A. I did not know he had given any.

278. Q. While in Washington or elsewhere, did you receive any telegrams from Hamilton?—A. No, sir.

279. Q. What is Mr. Grosvenor's business?—A. Hardware merchant.

280. Q. Is he a reliable man?—A. I have always regarded him so.

281. Q. And a Republican?—A. Has been.

282. Q. Do you remember who told you that Mason had subsidized the press?—A. I can't tell; I have no recollection. The reasons are because I considered the rumors so light.

283. Q. I observe the counsel for contestee during the experience of 40 days have never learned the fact; that the more partisan a witness shows himself to be on behalf of contestee, that less importance and of less value is his evidence. It is not surprising to me that his counsel,

such as he has, should never have learned that fact. Are you aware that any of his witnesses have learned it yet?

(Objected to by contestee upon the ground, contestee's counsel do not claim to be eminent men, nor do they desire to show that self-esteem and egotism which has characterized the counsel for contestant during this examination; and contestee's witnesses, as the record shows, have shown no partisan spirit, but special attention is called to the evidence of Dart and Leonard as specimens of partisanship which has characterized contestant's witnesses. Objection sustained.)

284. Q. Who did the reckoning up in Grosvenor's store?—A. I guess I did it.

285. Q. The rumors were of such extremely slight importance that you deemed it proper to reckon up and see how much those rumors amounted to, were they?—A. I recollect now that the conversation grew out of a remark that this election had cost Mason more than a year's salary, and the reckoning came from an effort to show that it was not true if the rumors were all true.

286. Q. Have you testified that you could not say whether it was in your office or on the street that you heard the \$1,500 rumor?—A. Yes; but I added I thought it was on the street, but can't say it was not in my office that I heard it.

287. Q. Will you say where you heard the rumor about Mason having subsidized the press?—A. No.

288. Q. Are you able to state its source?—A. No.

289. Q. Had you heard them both before your interview with Grosvenor?—A. I had.

290. Q. Then I take it that you and not he was the one who first spoke of the \$1,500, and the money by which the press was subsidized. Is that true?—A. I think I first spoke of the \$1,500 rumor to Mr. Grosvenor. Whether I spoke first of the other rumor or not I can't say.

291. Q. So far as you can state, did either appear to be a surprise to Grosvenor?

(Objected to. Incompetent and immaterial.)

A. No. The Greenbackers were circulating stories enough, so that anybody might expect to hear anything.

292. Q. What did you understand by the rumor that Mason had subsidized the press?—A. I supposed the information intended to be conveyed was that Mason had given something to the press, and it was put in that way, for there had been so much talk for years of subsidizing the press. It had gone so far that William Lansing claimed that a paper had been subsidized because a man had subscribed for the paper and paid \$1.50 in advance.

293. Q. Is the Bill Lansing mentioned in your last answer the William E. Lansing named in one of your celebrated editorials, which has been given in evidence?—A. Yes.

294. Q. In one of the editorials in your paper in 1873 or 1874, did you charge the Madison County ring of having, among other things, subsidized, or attempted to, the press?

(Objected to as irrelevant to the issue. Same rulings.)

A. I don't recollect; I hope so.

295. Q. Why do you hope so? Because they deserved it?

(Objected to as before. Same ruling.)

A. I meant to charge them with bad things enough, and if I did not do that it was because I left one out I meant to have put in.

296. Q. And in those editorials, or in any of them, did you charge that Joseph Mason was one of the members of that ring?

(Same objections. Same rulings.)

A. I don't recollect new well enough to make a statement.

297. Q. Was the Joseph Mason referred to in those articles, if his name there appears, the contestee in this case?—A. Yes.

298. Q. In those editorials, or in any of them, did you charge, or was it then your belief or understanding, that, in addition to the names mentioned, there were other men of less importance as members of that ring scattered throughout the various towns in this Congressional district who did the smaller work necessary for the successful operations and workings of that ring?

(Same objections, and not the best evidence, and not a proper cross-examination. Same ruling.)

A. My understanding was that the ring was a close corporation, and did not take in many more than those mentioned as heads.

299. Q. What do you mean by close corporation?—A. Not an extensive affair as to numbers.

300. Q. You being a lawyer as well as an editor, is that the best definition you can give of a close corporation?—A. Perhaps that gives the best idea of my understanding of it.

Redirect examination:

301. Q. When you speak of rings, do you not mean to be understood that several years ago there were in this county a few men whom you thought attempted too much to make and control the nominations to office in this county?—A. Yes; I might call it that.

302. Q. And, as I have understood you, you have not known and do not believe there has been as much of that for the past four or five years?—A. That is the fact of the case; and for the last three years I have discovered nothing of it.

303. Q. Then, in short, do you not regard Judge Mason's nomination to Congress as fairly made, and as not brought about by any ring or particular men?—A. Certainly; I can see no reason for his nomination only that a majority of the active men of the party desired it.

Recross by S. D. WHITE:

304. Q. Do you remember whether or not in any of those articles you called any of those men political ghouls?

(Same objections. I regard as unimportant. Same ruling.)

A. I do not. It would not have been any wonder.

Redirect:

305. Q. Can you conceive of any reason if that Mr. Duffy and his counsel White desires a fair and honest investigation of the matter at issue, and to have it decided upon the merits, why he should attempt to spread upon the record your editorials and the opinions which you entertained several years ago concerning what, in your opinion, was then taking place, or the status of events then transpiring, as you thought, which have no bearing upon the question now at issue?—A. No.

Recross:

306. Q. If it be material and proper for a proper determination of this issue that the contestee should attempt to blacken the character of Mr. Duffy, is it not equally material and proper that the character of Mr. Mason should be given?

(The contestee disclaims any intention and denies that he has in any way introduced any evidence to blacken the character of Mr. Duffy, except to give evidence that bears upon the legitimate issue to be tried.)

A. Yes.

E. D. VAN SLYCK.

Sworn and subscribed before me April 25, 1879.

CHAS. W. UNDERHILL,  
Notary Public for Madison County, New York.

*Deposition of Thomas Higginson*

THOMAS HIGGINSON, sworn, testifies as follows:

1. Question. Are you deputy United States marshal for the northern district of New York?—Answer. Yes, sir.

2. Q. Residing at Utica?—A. Yes.

3. Q. Were you in attendance at the United States court held at Utica in March last?—A. Yes.

4. Q. Did you know of the case of the Government of the United States against some young men, termed students of Madison University, being presented before the grand jury?—A. Yes.

5. Q. Did you see or know of anything showing or tending to show that that case was not fairly presented and honestly and thoroughly investigated by the grand jury?—A. No, sir.

6. Q. Have you any reason to believe that any United States official or the grand jury did not discharge their duties faithfully and well?—A. No.

7. Q. Commissioner Dennison, it is claimed, was before the grand jury in that case. Is that true?—A. I presume it is. I served a subpoena on him to be there.

8. Q. For what purpose was he subpoenaed?—A. I don't know.

9. Q. Did you not understand or suppose that he was subpoenaed to produce the evidence taken before the commissioner of an examination of these gentlemen had prior to this examination before the grand jury?—A. They are very frequently called to swear to their minutes which are sent to the United States district attorney.

10. Q. Did you know, or do you believe, that there was any attempt on the part of any person to prevent an indictment being found by grand jury?—A. I never knew of it, and don't believe there was any.

11. Q. George Beal, one of contestant's witnesses, has testified in substance that you told him and Mr. Stapleton that one Edward E. Welton had bulldozed or tampered with the grand jury; did you ever tell either Mr. Beal or Mr. Stapleton that thing?—A. No, sir.

12. Q. Where and what was the first you heard upon that subject?—A. It was in the hall, by the grand-jury room.

(Objected to as not rebuttal.)

I was passing through the hall at the time this case was being presented to the grand jury, and Mr. George Beal stopped me and said that he understood Mr. Welton was talking with some of the grand-jurymen in the evening at the hotel. I told him I would speak to Mr. Welton about that; it would not do. I called Mr. Welton oneside and told him what I had heard, and he denied it. He said he was stopping at same hotel where some of the grand-jurymen were stopping, and he asked Welton if he was a jurymen. He told him he was not, he was a witness; and he asked in what case, and he told him in relation to students voting. He said the jurymen asked then if it was the case that had been before Commissioner Dennison, where he had discharged them. He told him it was the same thing. He said that was all he had to say about the case to any one. That is all the conversation with Welton. I then told Mr. Stapleton what I had been told by Mr. Beal. I won't be positive, but I think Mr. Stapleton told me he had heard same thing. I told him also what Mr. Welton said.

13. Q. Did you tell Mr. Stapleton or any other person that you had told Welton that you would prosecute him?—A. No, sir. I told Mr. Welton this, and I presume I told others, that if Mr. Welton had done what Beal said he done, would be liable to prosecution, and would be.

14. Q. Did you tell those gentlemen that you thought an old man like Welton should know better?—A. Yes; I think I did.

15. Q. Do you know why the case of the Government of the United States against Levi Hollingsworth, the colored man, on the charge of illegal voting, was not presented to or taken before the grand jury?—A. Just before the next court, after the case was before commissioner, I wrote the United States district attorney, asking him if the subpoenas in the case would be issued before the court. Mr. Murray, the assistant United States attorney, wrote me that the evidence was not strong enough to present the case. That is the only reason I know of.

Cross-examination:

16. Q. Did you hear the testimony in the Hollingsworth case?—A. Yes; I did.

17. Q. The charge against him was for illegally voting for member of Congress, in Hamilton, on the 5th of November last, was it not?—A. Yes.

18. Q. It was claimed, was it not, that he had not been in the county of Madison the four months which the law requires?—A. That was the claim.

19. Q. It was claimed further, was it not, that he had a family in Binghamton at the time he voted?—A. My recollection is it was so claimed.

20. Q. Was it not clearly proved by several witnesses that he did vote at the time and place and for the purposes charged?—A. Yes.

21. Q. Was it not, in your judgment, clearly proved also that he had not been in the county four months?

(Objected to as incompetent and immaterial. Same ruling.)

A. Well, there was conflicting testimony on that point.

22. Q. State the conflict of testimony.—A. It was testified to by witnesses for the government that he was not seen in Hamilton until within about two months before election by some of them. Mr. Wade, the man he worked for, if I recollect right, thought he came near May previous. I think I cross-examined him myself partially as to time he came to work for him.

23. Q. Did he not testify upon cross-examination as to price he paid him per week and as to the amount of money he had paid him in the aggregate; and did not such amount indicate that he had not been here only about the length of time that the people's witnesses had testified to?—A. There was something said about the sum he was to pay him and the amount he had received, but my memory is not clear enough now to state what it was.

24. Q. Did not his answers as to the amount of money he had received, as you recollect, indicate that he had not been in the county above two months?—A. I can't state, as I do not remember.

25. Q. Have you no recollection as to whether his cross-examination corroborated or did not corroborate his direct?—A. My best judgment would be that he said on his cross-examination that he could not state positively the time he had been here.

26. Q. Did either of the Beals or Stapleton make inquiry of you in Utica, at the sitting of the last grand jury, if you knew what had become of the Hollingsworth case, and did you reply to them, in substance, "That

is what I have been trying to find out myself"?—A. The question was put to me by one of those gentlemen, and, I think, my answer was the same as I have given here, for I had received the letter before.

27. Q. Did you not say to them "That is what I have been trying to find out myself"?—A. No, sir; I never made any such statement.

28. Q. And is it not true that you laughed as you said it?—A. I can't say; I frequently laugh.

29. Q. Did you not say to Mr. White, in the city of Utica, at the time when the students were under examination, that the negro Hollingsworth's case was a clear case, and that you would see that the witnesses were subpoenaed?

(Objected to; the witness not being a lawyer, his opinion is not evidence. Same ruling.)

A. I remember of speaking with you on the subject, otherwise I answer no. My best recollection is I said I would write and see if the subpoenas would come; and that is why I wrote district attorney.

30. Q. Did the negro Hollingsworth, in your presence, after his examination and after he had been held to bail, admit that he was not a voter, and say that he would not have voted if it had not been for one Cushman, who paid him \$1 for voting, or anything like it?—A. Not one word about it.

31. Q. Who did?—A. Some of the witnesses said so.

32. Q. Did you hear it there talked that one Cushman had induced him to vote and had paid him one dollar, and did you not make observations concerning the prosecution of Cushman?

(Objected to as incompetent and hearsay. Same ruling.)

A. Now, that question I can't answer it yes or no as it is put. I would say there was such talk. If you want the last part answered yes or no as to Mr. Cushman, I should say no. I did say if any one had done that they were liable to prosecution.

33. Q. Done what?—A. Any one had paid him \$1 for his vote.

34. Q. Did you not hear after the examination was over Wade talk about Hollingsworth voting?—A. No, sir.

35. Q. Did not the witness Sennex testify as to the time when Hollingsworth came from Binghamton to Hamilton?—A. No, sir; not the time he did come from Binghamton. I asked Mr. Sennex what time he left Wade's barber shop; and he told, my best recollection is, it was in the month of September. The question was then asked him whether Hollingsworth was working for Wade before he left? He answered, "No." I think, on the cross-examination, he was asked if he knew whether Hollingsworth was in this county before he came to Wade's, and he answered he did not know.

36. Q. Did not Wade testify that Hollingsworth did not come into his shop until after Sennex left?

(Same ruling.)

A. He did testify to that.

37. Q. Did he not also testify that as he came there he came from Binghamton?

(Same objections and rulings.)

A. I won't be positive whether he testified to that or not. My best recollection is that he said he had been here before to see about work.

38. Q. Did he testify that he had a wife in Binghamton, and that he sent her money weekly?

(Same objections and rulings.)

A. My best recollection is that Hollingsworth had, or had been told



that he had a wife in Binghamton, and that he sent her money, whether weekly or not I can't say. Think he said several times.

39. Q. The commissioner held him to bail?—A. Yes.

40. Q. After the examination of the students was closed in Utica did you and Mr. White have this conversation: White says, "I think Dennison will discharge the students;" and did you reply in substance, "No, he will not; the cases are clear."

(Same objections. Same ruling.)

A. Mr. White did say to me several times that the commissioner will discharge the defendants. I said I did not think he could, as they were parallel cases to those tried two years ago in Cattaraugus County.

41. Q. Do you recognize that as Mr. Dennison's opinion? (Paper shown witness.)—A. I think it is.

(Opinion offered in evidence and received and marked.)

42. Q. You have read that opinion?—A. Yes.

43. Q. Did you also read the opinion of Judge Wallace?—A. Yes.

44. Q. Is there a single reason given in Commissioner Dennison's opinion for the discharge of these men that did not exist in the Cattaraugus cases?

(Objected to. The opinion is best evidence.)

A. In the Cattaraugus case the man went home and voted once while at college, and always went home in vacation.

45. Q. In one of these cases did not one of them vote at Vernon?—

A. Yes; he was preaching at Vernon.

46. Q. Did not two of these students usually go home vacations, or at least one?

(Objected to. The witness has no knowledge.)

A. My recollection now is one of them said he had been home once at vacation, and he had been here some three years.

47. Q. Was it not proved in the Cattaraugus case that those men voted under the advice of counsel, and believed they had the right to vote?

(Same objections. Same rulings.)

A. I won't be positive about it; I think you are correct.

48. Q. And that was the proof in this case, was it?—A. I think it was.

49. Q. Was it not the proof in that case, and also in this, that the students had left their home with the intention of never returning?

(Same objections. Same rulings.)

A. I can't tell positively.

50. Q. Did it not appear in the Cattaraugus case that that student was being educated for the Catholic ministry?

(Objected to.)

A. I think it was; am not positive.

51. Q. And was not the evidence in these cases that they were preparing for the Baptist ministry, intending to answer such call in the ministry as might be given them?

(Same objections and rulings.)

A. I think that was shown in the case.

52. Q. Do you know who originated the last prosecution against the students?—A. All I know about it, sir, is that commissioner's minutes were sent to district attorney, and the subpoenas were issued and I served them.

53. Q. Did you see or hear of any persons being in the city of Utica in reference to such prosecution before you received the subpoenas?—A. No.

54. Q. Have you any information of any kind as to the origin of that last prosecution?—A. No.

55. Q. Did you say to Stapleton or either of the Beals about the letter from the district attorney?—A. My best recollection is I did speak of the letter.

56. Q. Do you remember, when Hollingsworth was at Utica, of hearing Charles Mason make some observations in relation to Cushman's inducing the negro to vote, and did you make this remark in substance: "It will not do to prosecute him, for he is a student in your brother's office"?—A. No, sir.

57. Q. Did you hear Commissioner Dennison or any one else say that?—A. No, sir.

58. Q. Do you know why you were subpoenaed here instead of commissioner?—A. No, sir.

59. Q. You do not understand, do you, that you have been charged with anything improper connected with the students and Hollingsworth?—A. No.

60. Q. And if Commissioner Dennison or Mr. Murray, or the present District Attorney Townsend have been charged with bribery and corruption in relation to Hollingsworth and the students, they could better answer that charge than you, could they not?

(There is no evidence of any such charge, and nothing looking that way, except counsel's statement, put in form of questions. Contestant asks why this witness has been called.)

A. Yes.

61. Q. If Commissioner Dennison colluded with one Lamoree, of Oswego, one of Mason's counsel, and got up these proceedings before the grand jury, as is charged in this case they did, for the purposes, first, of whitewashing Dennison and to aid Mason in holding a seat obtained by bribery and illegal voting, Lamoree and Dennison would know more about it, would they not?

(Same objections and rulings.)

A. Yes.

62. Q. If the man Murray wrote that letter because he had been bribed to do it by the secret emissaries, agents, or spies of Mason, with a view of suppressing the prosecution against the negro Hollingsworth, would you be likely to know anything of it?—A. I don't think he would tell me. You would have to offer him more money than there is in Hamilton to bribe him.

63. Q. Do you know whether or not District Attorney Townsend had told Dr. Dodge that he would go in before the grand jury when the student's case was called?—A. I don't know.

Redirect examination:

64. Q. Have you ever known or heard of any charge or accusation made against the official conduct of any of the United States officials named in the most absurd and unwarranted question asked by counsel either in the case of Hollingsworth or the students?—A. No.

65. Q. From your acquaintance with and knowledge of the character, both official and private, of those gentlemen, is it not your candid belief that they would not be guilty of any official corruption or misconduct?—A. Yes.

66. Q. Can you see any reason why the counsel should put so unwarranted and ridiculous question, except that in the hope on his part he might make evidence against Judge Mason, and create a prejudice against him by the very unmanly, ridiculous, and absurd form of question?—A. I can see no reason why the question should be put.

67. Q. Have you the least idea or belief that the fact that the students from Hamilton were preparing for the Baptist ministry had anything to do with their discharge by the commissioner, or with the charge of no indictment being found, or that the fact of the Cattaraugus student was preparing for the Catholic ministry had anything to do with his conviction?—A. No.

68. Q. Are you a lawyer?—A. No.

69. Q. Have you any reason to doubt that the case of the Cattaraugus student was not properly disposed of upon the facts and the law governing them?—A. No.

70. Q. And have you any knowledge or reason to believe that Commissioner Dennison did not decide the case of the students as he believed the law and the facts required?—A. No reason to believe but what he used his best judgment. I don't know but he was correct.

71. Q. You say Mr. White, Duffy's counsel, spoke to you of the Hollingsworth case before the sitting of the grand jury, and that you then wrote to the district attorney for subpoenas, and received the letter you have mentioned, is that true?—A. I think it is.

72. Q. The evidence shows that the night or the next day after Hollingsworth gave bail at Utica, one Thaddeus Leonard, Mr. White, Mr. Lippitt, had an interview with this negro in White's office. What there took place has been proven. Was that before White spoke to you about that case, and you wrote to the district attorney?—A. It must be before if it was that night or next day.

Recross examination :

73. Q. You state that you can see no reason why Mr. White should have asked certain questions which reflected upon the official standing or purity of the United States officials, and counsel has stated that they were unwarrantable and unmanly questions. Can you see or do you know of any reason why the contestee should have produced you here as a witness, except for the purpose of showing the judicial proceeding in United States court in relation to Hollingsworth and students had been fairly conducted?—A. I don't know the reason.

74. Q. Judging from the questions asked you by contestee, and the testimony given by you, can you conceive any other reason than that?—A. I don't know of any reason why I am brought here.

75. Q. Question repeated, and a yes or no answer required?—A. I will answer in my judgment if I can. Yes.

76. Q. State those reasons?—A. It was to contradict certain statements as to Welton, made by others.

77. Q. And did not the evidence against Welton, as you understand, which you were called upon to contradict, reflect upon the manner in which those proceedings had been conducted?—A. No. I don't think it did.

78. Q. If the evidence of Stapleton and Beal was true as to Welton's tampering with the grand jury, did not that fact relate to the regularity and fairness of the proceedings of the grand jury?—A. If Mr. Welton had tampered with the grand jury I think it might have affected the regularity.

79. Q. Then the question is then repeated, which is this, Can you conceive of any reason why you should be produced here as a witness, except to show the fairness and regularity of the judicial proceedings connected with Hollingsworth's case or of the students?

(Objected to as incompetent; same ruling.)

A. I don't know of any reason.

80. Q. Question repeated.—A. I should judge that I was called on the subject of the fairness and regularity of the proceedings at Utica.

81. Q. Do you not understand that those proceedings were presumed to be fair until proved otherwise?—A. Yes.

82. Q. Then can you conceive why you should have been called as a witness to prove the fairness and regularity of those proceedings if there had not been evidence given tending to show that those proceedings were not fair and regular?

(Same objections and rulings.)

A. I don't think there would have been any occasion to have called me unless there had been any attack made upon those proceedings.

83. Q. Do you know anything about the evidence given in this case?—A. No, sir,

84. Q. Why, then, sir, did you characterize the questions I put you in relation to those proceedings as unwarranted and unmanly?—A. Because, sir, I don't understand that you make the charge of bribery or of anything inconsistent against any of these officials with the exception of the counsel dropped a remark as to an interview between Lamoree and Dennison.

85. Q. Why do you say that, if you know nothing of the evidence?—A. Because I see nothing in the evidence, as I have been asked things to-day, to warrant any such question.

86. Q. But I understand you to say that you know nothing of the evidence given before you took the stand?—A. I did not.

87. Q. And do you understand that you are called here to contradict or answer evidence that has heretofore been given in this contest?—A. From the questions asked me to-day, I should think I had.

88. Q. Then I ask you again, you not knowing what that evidence is, why have you characterized the questions I put to you as improper?—A. As I stated before, for your questions put to me to-day, I see nothing in the evidence that I have been called to contradict which warrants the question touching the integrity of the United States officials.

89. Q. If the evidence heretofore given in this contest, of which you know nothing, implicates those officials and attacks the regularity of those judicial proceedings, do you see, sir, any impropriety in my putting the questions to you that I did?—A. My answer will be if you have produced evidence here to implicate or show that those officials have either been bribed or done any official act unbecoming the office they hold, then I see no impropriety in your asking those questions.

90. Q. Do you understand that John E. Smith is the district attorney of Madison County?—A. Yes.

Redirect examination :

91. Q. I understood you to say that this evidence before the commissioner, as to the length of time Hollingsworth had been in Madison County, was conflicting; is that true?—A. Yes.

92. Q. The United States produced some evidence that Hollingsworth came into Wade's shop in September, and that he had not been seen in Hamilton Village before that; that's true, is it not?—A. Yes.

93. Q. On the other hand, Mr. Wade, Hollingsworth's employer, you think, testified that he thought he came here to Hamilton in May?—A. Yes.

94. Q. Was there any evidence establishing the fact beyond contradiction that Hollingsworth had not lived in Madison County, either in Hamilton, or elsewhere, for at least four months before election?—A. I don't think there was beyond contradiction; I tried to establish that he had not been here over four months.

95. Q. Did not the evidence show that Mrs. Hollingsworth was not keeping house at Binghamton, but was temporarily staying with her parents with a view of soon coming to Hamilton?—A. I don't recollect.

96. Q. You will not swear that that was not proven?—A. I will not swear either way.

97. Q. After your effort to establish a case in behalf of the United States against Hollingsworth, was not the minutes of the evidence taken upon that examination sent to the district attorney, and did he not after that write you that he thought the evidence not sufficient to present before the grand jury the charge against Hollingsworth for illegal voting?—A. He had the minutes before he wrote me.

Recross examination:

98. Q. Do you know he sent it?—A. No; only from what I heard Mr. Dennison say, and I understood so from district attorney.

99. Q. At the time Hollingsworth was in Utica, did you have a conversation with Mr. George Beal and Stapleton in your office, in which you stated to them in words or in substance that you had told Charles Mason as to how the negro came to vote, and he said "The young man should be prosecuted," referring to Cushman, and that you had told him that the young man was a student in his brother's office, and that he replied that that makes no difference, he should be sent for?

(Objected to. If answered in the affirmative, it is incompetent as against contestee. Same ruling.)

A. I will state here that I spoke to Judge Mason, and I told them I had spoken to Judge Charles Mason, and that it was asserted also that a man had given him \$1 to vote, and judge said that was the man to be prosecuted; don't think I said anything about his being his brother's student; whether I mentioned Cushman's name or not, he said the man who gave the money should be prosecuted.

100. Q. Were there two Beals there?—A. I believe there was.

101. Q. Are you sure it was George Beal that told you?—A. Yes.

102. Q. Did you not first say to him that somebody had been tampering with the grand jury?—A. No, sir.

Redirect examination:

103. Q. Had you heard any such intimation until he told you?—A. No.

104. Q. What Judge Charles Mason said was upon the assumption, was it not, that Cushman had bought Hollingsworth's vote?—A. Yes.

105. Q. Do you remember who told you of Hollingsworth and Cushman?—A. It was told me twice. I think John C. Kennedy when he made complaint against Mr. Hollingsworth and those students, and I think some of the witnesses told me while at Utica; only spoken as rumors.

106. Q. Was it not also stated then or some other time, and have you not heard that up to the time Hollingsworth voted he had not received any money or the promise of money, but that after election Cushman gave Hollingsworth a dollar, he being a poor man and Cushman having his barbering done in that shop?—A. No; not in that shape.

107. Q. Have you heard that the dollar he gave Hollingsworth was after election?—A. No.

108. Q. I suppose you do not know what the facts of that transaction are, or whether Kennedy or your other informant had any knowledge?—A. No.

109. Q. Is it true that John C. Kennedy made complaint against the students and Hollingsworth, upon which they were arrested?—A. Yes.

110. Q. It has been proven that that same Kennedy was a warm supporter of Mr. Duffy, and that he has since gone to Brooklyn; and do you know of any reason why he has left Hamilton after having been so unsuccessful in those prosecutions?—A. No.

Recross:

111. Q. Do you know why Smith should ask such silly question as that?—A. No.

112. Q. After the negro's examination you then learned, did you not, that he himself had confessed what he had done, and was not that the occasion of your saying what you did to Charles Mason?—A. No, sir; my conversation with Judge Mason was while the negro was in Utica: the day of his arrest.

113. Q. Did you afterwards learn that Hollingsworth retained Charles Mason to defend him, or that Charles Mason wrote him a letter volunteering to defend him?—A. No; this is the first I have heard of it.

THOMAS HIGGISON.

Subscribed and sworn to before me April 25, 1879.

CHAS. W. UNDERHILL,  
*Notary Public for Madison Co., N. Y.*

Opinion of United States Commissioner Dennison offered in evidence. (See question 41, as per Thomas Higgison, United States of America against Pitt H. Moore; same against Brenett J. Mix; same against Levwick L. Kneeland, by C. M. Dennison, commissioner.)

In these cases the defendants are charged with illegal voting at the last general election for Representative in Congress, and the cases are all substantially alike and may all be decided together. The evidence in these cases is undisputed and in no way conflicting, and shows that all of the defendants are students of some one of the departments of Madison University; that each had entirely and absolutely severed his connection with his former home, and supported himself by his own earnings, together with what aid he received from the beneficiary funds of the institution, and had gone to the village of Hamilton with the intention of making that his only home and residence, at least while in attendance at the University, and had so remained there the time required by law to become a voter. In my opinion there could be no question but that each of these young men would have been a legal voter at Hamilton had he gone there in the manner in which he did and performed the same acts which he did, were it not for the fact that they came within the classes of persons enumerated in article 2, section 8, of the constitution of this State, and that the determination of these cases turns wholly upon the meaning of that section. It is claimed by the prosecution that this section of the constitution is prohibitory, and that no person can possibly gain a residence while a student of any seminary of learning. I cannot concur in this doctrine. This section of the amended constitution is the same as in the constitution of 1840, and, substantially, in my opinion, a simple enunciation of the common law, and meant rather as a protection than as a prohibition, and is not intended to prevent any class of persons from changing their place of residence and gaining a new voting residence, but rather to protect persons who shall leave their actual permanent residence with an intention of going temporarily in some of the occupations or callings in said section enumerated, and at the completion of said purpose to return to their actual residence, and being thereby disfranchised during such absence. In my opinion this section of the constitution is not intended to disfranchise any citizen of

the State of New York, but rather to protect every citizen of the State in the full exercise of the right of elective franchise. It is further claimed by the prosecution that these cases are parallel and at all fours with the case of "The United States against McCarthy," decided by Judge Wallace January, 1878. The defendants in these cases had the opinion of Judge Wallace in that case and examined the same carefully and took legal advice thereon before offering to vote, and upon such examination and advice concluded that their cases did not come within that decision, and that there was nothing contained therein which would prevent their voting, and they all voted after challenge and took the oaths required by law. These defendants are all candidates for the ministry, and, in my judgment, acted conscientiously and with great care, and, as I construe the law, were entirely correct in their conclusion that they were legal voters at the place where they voted. It is ordered that each of the defendants be, and they are, discharged.

*Deposition of Pheletus B. Spear.*

PHELETUS B. SPEAR, a witness called by the contestee April 25, 1879, and duly sworn.

1. Question. What is your age and place of residence?—Answer. 67 years, and I reside in Hamilton, N. Y.

2. Q. What is your occupation?—A. I am the financial officer of Madison University, and a professor therein.

3. Q. For how long connected with Madison University?—A. Since 1836 have been member of faculty.

4. Q. Were you subpoenaed as a witness before the United States court, held in March last, to testify before the grand jury in the case of "United States against certain students of the University"?—A. I was.

5. Q. Were you sworn before the grand jury?—A. I was.

6. Q. Was the charge brought against the young men for illegal voting at the last general election?—A. Yes.

7. Q. And you gave evidence before the grand jury?—A. Yes.

8. Q. What officer examined you?—A. Assistant District Attorney Murray.

9. Q. So far as you saw, was that charge fairly and thoroughly investigated before that grand jury?—A. Yes.

10. Q. Were you thoroughly examined as to the matters within your knowledge bearing upon the question then being investigated?—A. Yes. In the case of, and all, the students, separately and collectively.

11. Q. Please state in a general way the matter about which you were examined in case of each.—A. I think I stated in the order of Mr. Moore first. The substance of it in Mr. Moore's case was nearly this: That Mr. Moore formerly lived in Illinois; left his father's home with intention of not returning. Not being aided much of any by his parents, with a view to receive aid, and that his father had told me on accidental meeting with him on the cars before his son came; that he was going to leave home not to return, and wished to know whether he could get aid; that Mr. Moore had not returned to his home since he left; that he had been here on his fourth year; that he was about twenty-five years old; that it had been his purpose to make Hamilton his home; that is about all; that I had learned Mr. Moore's purpose and intention from Mr. Moore or from his father. In regard to Mr. Mix, I said that he was about thirty years old; that he came to Hamilton from Binghamton about seven years ago; that he was a carpenter by trade, and brought his chest of tools with him; that he had followed his trade at

Hamilton, and nearly every vacation had worked for the university through the entire vacation, in many cases, as was the case last vacation, with perhaps one year, when he was at Vernon preaching; that I had learned his intention from Mr. Mix himself. In regard to Mr. Kneeland, I said Kneeland was about twenty-four years old; had left his father's when about sixteen years old, his father giving him his time, and had come to Hamilton to make it his home, and had made Hamilton his home term-time and vacation; had worked most of the vacations for the university, being paid for his services, for his support; that one vacation he made the university boarding-hall his headquarters, circulating out from that point as a book-agent. Being asked how I knew he intended to make Hamilton his home, I replied that he came to me for work soon after he came, to enable him to live and support himself: that he had worked on university carriage-roads and walks, and constructing them, and in dressing walks and caring for grounds.

12. Q. You also testified as to their attending Madison University?—A. Yes, and were supporting themselves, and that they had no other places they called home; that I had been personally acquainted with the three during term-time and vacation.

13. Q. Were you asked other questions?—A. Yes; and was told to add other points to fill in that would throw light on the question. Much more was said than I have given. I thought Mr. Murray put me through a serious line of questions. I remember when I went out of jury-room one point occurred to me which I had not stated which I thought important, and I named it to Dr. Dodge to have him embrace it in his testimony, as he was expected to be brought on next; but it was suggested that it was so important that I had better ask to be recalled, but was not, as the testimony closed with my testimony, and Dr. Dodge was not called in. That was what I understood. That point was a simple one, viz, that to my personal knowledge since 1846, when the constitution of the State was adopted, the students who have a residence at different times had been called on to vote and carried to the polls by both parties.

14. Q. Had each of these men before election time and some time in the past expressed to you either by word or act their intent to make Hamilton their residence and home?—A. They had.

15. Q. From what you had seen and knew of their acts and from what they had told you, have you any doubt but that they did so intend and, as you believe, acquire a residence at Hamilton?—A. I have no doubt but that they intended to make Hamilton their home and that they voted lawfully.

16. Q. From the examination given before the grand jury have you any doubt but that the United States officials and the grand jury desired to fairly dispose of the cases of the students as the law and the facts demanded at their hands?—A. No.

17. Q. Did you see anything on the part of anybody indicating that there was a desire to prevent an indictment if it was proper that one should be presented?—A. No; not the slightest evidence.

#### Cross-examination:

18. Q. Did you desire that those students should be indicted?—A. No, sir.

19. Q. Did you hear those three students testify at Utica?—A. Yes, I think I did; all of them.

20. Q. Did not each testify in substance that he intended to enter the Baptist ministry when he completed his education and as soon as he should have a call?—A. I can't say positively that each did, but some



one or more did ; that it was his design to enter the ministry, not knowing when, that depending on the call.

21. Q. Did you state these facts to the grand jury ?—A. I cannot positively say. If the question was asked me I did ; but I can't say ; I think that it was.

22. Q. Since 1846, give me a general estimate, how many students have graduated from your university ?—A. I think the average of college graduates is not far from twenty a year ; from the theological department about ten or twelve.

23. Q. For the last ten years which has been the average number for both departments ?—A. For college about twenty, and for theological department about twelve.

24. Q. About how many students are there in all departments ?—A. About 241.

25. Q. For the last ten years how many have remained in this town after graduation ? and please name them.—A. Some of them have remained here a while, until they got employment elsewhere.

26. Q. Can you name for me who, after graduation, within the last ten years, have made Hamilton their home ? If you can, please do so.—A. My relation to the students is such that I can't now without catalogues.

27. Q. As a general rule do they not leave this town at the close of their relations to the university as students ?—A. Yes.

28. Q. Do you understand that the question of residence or the right to vote depends very much upon the intentions of the students themselves ?—A. Yes ; but not wholly.

29. Q. Do you think that you are as well qualified to speak of the intention of each several student of the fourteen who voted last fall as each of them would be ?—A. Not unless they told me their intentions.

30. Q. Might they not tell you incorrectly ?—A. Yes.

31. Q. Then I repeat the question, are they not themselves better qualified to speak of their actual intentions, each one for himself, than any other person can be ?—A. Yes ; unless they lie, or I speak under oath ; yes.

32. Q. Are Mix, Kneeland, and Moore, as you understand, still at the university ?—A. Yes ; and live in Hamilton.

33. Q. Did I ask you if they live in Hamilton ; and if I did not, why answer me in that way ?—A. So as to give you a full answer.

34. Q. Are you aware that a witness may show himself too intensely partisan and one-sided by thrusting in suggestions that are not answers to questions, but that unintentionally he injures the side that he intends to help ?

(Objected to as an argument and improper. Same ruling.)

A. Yes.

Redirect :

35. Q. You testified that you did not desire those students indicted ; please state why.—A. Because I believe that students generally are the best class of young men in whose hands is the elective franchise, and that they have the same right as other men to make a residence for voting, and when they make such residence that they are not illegal voters.

36. Q. Have you any doubt that they told you truthfully of their intent, and that they are legal voters ?—A. No.

37. Q. The question of their right to vote and whether they have violated the law depending much upon their intent, and they being the parties directly interested, do you not believe it a safe way to determine

their intent to look as your guide at their past acts and to take what they had previously said and done when the question as to whether or not they had done wrong was not at issue ?—A. Yes.

Recross-examination :

38. Q. Are you a Republican in politics ?—A. Yes.

39. Q. Did you vote for Mr. Mason ?—A. Yes, of course I did.

P. B. SPEAR.

Subscribed and sworn to before me, April 25, 1879.

CHAS. W. UNDERHILL,

*Notary Public for Madison County, N. Y.*

APRIL 26, 1879.

Contestee's answer, dated Hamilton, N. Y., January 13, 1879, offered in evidence.

(Objected to as incompetent and as giving evidence by contestee without examination; that contestee should take the stand himself.)

Answer to be transmitted with the depositions, or furnished by the contestee.

Contestee closes.

We hereby certify that the foregoing depositions of A. M. Beebe, jr., Lyman Wells, T. Eugene Baker, G. G. Waldron, B. F. Bonney, Ebenezer Dodge, E. E. Welton, Henry Tibbetts, E. D. Van Slyck, Thomas Higginson, and P. B. Spear, were taken by us on Tuesday, Wednesday, Thursday, and Friday, the 22d, 23d, 24th and 25th days of April, 1879, at the law-office of C. W. Underhill, in the village of Hamilton, Madison County, N. Y., and that the same are correct and true as written in the foregoing pages.

Witness our hands and seals the 30th day of April, 1879.

[SEAL.]

CHAS. W. UNDERHILL,

*Notary Public for Madison County, N. Y.*

[SEAL.]

S. E. SCRANTON, JR.,

*Notary Public for Madison County, N. Y.*

#### EVIDENCE TAKEN IN REBUTTAL BY CONTESTANT.

##### *Deposition of William T. Manchester.*

WILLIAM T. MANCHESTER, sworn, testifies as follows:

APRIL 25, 1879.

The contestee objects to the witness being sworn in these proceedings, and to any evidence being taken by Notary Scranton, upon the following grounds: First. Such notary has no power or authority to take such evidence or depositions, the ninety days allowed by statute within which the parties hereto are to take their depositions having expired. Second. The stipulation hereto made between the parties, by their counsel, at most only permits the contestant to give evidence in answer or rebuttal only to such affirmative evidence or depositions as the contestee may have given during the time he was giving depositions in answer to the affirmative depositions, taken by contestant within the last ten days provided by the statute, in which contestant should have given evidence in rebuttal only; that the contestee, within the time above alluded to, not having given any affirmative depositions, but simply having answered the affirmative depositions taken by contestant within

said ten days, the contestant now has no right, either under the statute or otherwise, to take any further depositions. Third. That Notary Scranton has no jurisdiction in the premises.

Notary Scranton decides to take the evidence offered.

The contestee appears specially by J. E. Smith and H. H. Keith, as counsel, reserving his rights under the above objection, and associates C. W. Underhill, notary public, to sit with said Scranton, without prejudice thereby.

Examined by S. D. WHITE:

1. Question. Where do you reside?—Answer. Hamilton village, Madison County, N. Y.

2. Q. What is your age?—A. Fifty-two years.

3. Q. For whom did you vote for member of Congress last fall?—A. Joseph Mason.

4. Q. What are your politics?—A. Republican.

5. Q. How long have you been acquainted with Mr. Mason?—A. I cannot state in years, but I have been acquainted with him since or about the time he commenced the study of law in Hamilton.

6. Q. Are you and Mason personal friends?—A. We are.

7. Q. I have information from the village of DeRuyter and elsewhere that during last fall's campaign you carried certain moneys from Mason to Beden, the editor of the De Ruyter New Era. Is that information correct?

(Objected to, 1st, as incompetent and immaterial; 2d, it is calling for affirmative evidence which the contestant has no right to give; 3d, the notaries have no power or authority to take such evidence, and it is in no sense rebutting evidence. Objection overruled. Underhill dissents.)

A. It is.

8. Q. What was the date?—A. I can't give it.

9. Q. Have you no means of giving it?—A. I have not.

10. Q. State about the day?—A. It was past the 20th, and my best recollection is it was between the 20th and 28th of October last.

11. Q. Cannot you please be a little more definite if you can?—A: I could not be more definite than to say it was the 20th or very soon after. I think the register at De Ruyter would determine; am not certain of that, as I was there twice.

12. Q. How much money did you carry?

(Same objections; same rulings.)

A. My recollection is it was \$15.

13. Q. Is your recollection distinct upon that subject?—A. Quite distinct; I believe it to be \$15.

14. Q. Will you swear it was not \$50?—A. I will.

15. Q. Have you not stated that it was \$50?—A. I never have.

16. Q. Did you deliver it to Beden?—A. I did.

17. Q. Do you understand that he is the sole editor of the De Ruyter New Era?

(Same objections and rulings.)

A. That is my understanding and was at the time.

18. Q. Was there any letter sent from Mason to Beden by you, with the money?

(Same objections and rulings.)

A. There was not.

19. Q. Are you aware that shrewd corruptionists seldom write letters when they are distributing corrupt funds?

(Same objections. Same rulings.)

A. I have no knowledge whether corruptionists write letters when they disburse corrupt moneys or not.

20. Q. Did he send any word or make any statement relative to the money?—A. He told me what to do with the money; yes.

21. Q. State all he said.—A. I cannot state all he said at the interview; will state so far as I can recall it.

(Same objections. Same rulings.)

A. As I have already said, he asked me to hand this money to Mr. Beden, and wished me to say to him that if it was possible, or if he had time, he hoped to be, or would be, in De Ruyter before election, and would call upon or see him. That is all that I am able to recall upon that point. If he said more upon that point, I cannot recall it. The interview occupied some little time, and matters pertaining to the campaign were talked of. I had previously, and did at this time, say to Mr. Mason he had better go to De Ruyter, in my judgment, and this remark of his was in response, perhaps, to some extent, to my suggestion.

22. Q. Leaving that subject for a moment, it has been proved that one L. B. Kern is a member of the Madison County ring of Republican politicians, or political outlaws; does he live at De Ruyter?

(Objected to as before, and further, that the statement concerning the ring has not been proven; that there is no such ring, in fact, and the counsel well knows it, and his only object in putting such questions, as he has often boasted, is simply for the purpose of creating a prejudice in the minds of the Democratic members of the Committee on Elections against the Republican party in this district and certain members thereof, which the counsel knows are gentlemen of character, and are not entitled to be called outlaws or members of a corrupt ring.)

Contestant's counsel denies having made such boasts, and states that contestee's counsel, John E. Smith, has made the foregoing objection or statement in behalf of said ring because it is well known that he is a member thereof and he thus speaks in his own defense.)

A. So far as I know, Mr. Kern lives at De Ruyter.

23. Q. What reason did you give him as to why he had better go to De Ruyter?

(Same objections and rulings.)

A. I did give him as a reason at this interview or at some other, that there were some Republicans in De Ruyter whom I thought felt slighted; that they were displeased at something they saw or thought they saw when he was in De Ruyter on an occasion previous to the convention. It came to my knowledge that some of the Republicans in De Ruyter, upon the occasion of his visit there already mentioned, felt he did not call upon them or give them that attention they felt entitled to; that he did give more attention to other Republicans than themselves, which Republicans they had not the kindest feeling toward, and hence felt somewhat slighted themselves. This, at the interview when he handed me the money or at some other interview, I urged then or previously.

24. Q. Was Beden one of those persons who felt slighted?—A. I don't think he was. I did not so understand it.

25. Q. Name some of those persons.

(Same objections, and is hearsay. Witness does not claim to have any knowledge. Same ruling.)

A. I prefer not to name those persons or any of them, for the reason that the knowledge of their supposed feeling did not come to me from them but from other persons, and it may not have been true and I may have been mistaken.

26. Q. Did you name those persons to Mr. Mason or any of them?—A. I think I did.

27. Q. I wish you to state again what Mason said to you upon the subject of that money.

(Same objections. Same rulings.)

A. I wish to say that in making this statement in answer to the previous question, I sought to give Mr. Mason's language as near as I could, but would not say positively they were the words he used, but believe it was substantially what he said. He said he wished me to hand this money to Mr. Beden from him (Judge Mason), and say to him that he hoped to or would be in De Ruyter before election, and would see him. I recall now that he stated if he had the time, and I might add that he conveyed this idea to me, that he had several places he designed going, and his time might be all taken up.

28. Q. Did he not say that he had more important engagements at Oswego?—A. I have no recollection of his saying that, and do not believe he did say it.

29. Q. Do you now think of anything further that was said at that interview?—A. I do not, anything that I could make a substantive proposition out of. The conversation that I have related I do not think was all the conversation that passed between us, because our interview, as I have already stated, was of quite a little duration; it might have been five to ten minutes.

30. Q. You have said something about a substantive proposition. I thought when you said that, there was something in that conversation which might be a little indistinct in your memory, but of which you had an impression. If there be any such thing, please state it.

(Same objections, and the witness's impressions are not evidence. Same rulings.)

A. I have already stated, and I have no impression that I could state with sufficient clearness to make a proposition out of. We talked generally of the canvass, as I have already stated, but more especially in regard to the canvass in De Ruyter, but to recall further of what he said, and to give his language or so much of his language as to truthfully represent him, I cannot. I think the language I have already given as being his or substantially his, is correct. I remember that, for the reason that it was in response to something I had urged upon him as being necessary to do to promote his own interests in De Ruyter; by going there, I mean.

31. Q. Still I think from your language that there was something said about which you have an indistinct recollection or an impression. If there be such please state it.—A. I have already stated so far as I can on that point.

32. Q. Did you ever have an interview with contestant's counsel upon this subject?—A. I don't remember that I ever did.

33. Q. Would you say that you did not?—A. I would not say I did not have an interview with contestant's counsel, in which interview this subject might have been mentioned, but if I did have such an interview I do not remember it.

34. Q. Since you were subpœnaed have you had an interview with contestee's counsel?

(Same objections. Same rulings.)

A. If by your question asking me if I have had an interview with contestee's counsel since I was subpœnaed—if you mean I have sought an interview to confer upon the matter of being subpœnaed, I answer no.

If the question calls for this fact I will say I have seen contestee's counsel two or three times since I was subpoenaed and conversed with him.

35. Q. When were you subpoenaed?—A. On evening of the 23d about 9 o'clock.

36. Q. Did you talk over with them as to the probabilities of what I would examine you upon?

(Same objections and rulings.)

A. This subject was mentioned, I think.

37. Q. Did you tell them what you knew about this money sent to Baden?—A. I told them about it.

38. Q. Who did you talk with?

(Same objections. Same rulings.)

A. I talked with Mr. Smith, contestee's counsel; Mr. Wellington was present; whether any conversation on this point between Wellington and myself I will not say.

39. Q. Was the talk in Wellington's presence?—A. I will not say that all the conversation was in Wellington's presence.

40. Q. Was it there discussed as to the probability or possibility as to whether Mr. White knew or would examine you about the money transaction with Beden?

(Same objections and same rulings.)

A. Well, there was something said about it. As near as I can get at it, I should think that Mr. Smith asked me something in this way; the substance is: If Mr. White was going to ask me if I took any money to Mr. Beden. I think I replied in substance that I thought he would, for I thought he knew it.

41. Q. To how many persons aside from contestee or his counsel have you ever told it since you carried it?—A. I don't know; not very many.

42. Q. You did not intend to tell of it to any, did you, aside from them; and if you have it has been accidental, has it not?—A. Did not intend to tell of it, and have not to very many.

43. Q. Did he, at that time or any other time, say, intimate, or do anything whereby you inferred that he had made or was intending to make presents to any other editors?

(Same objections. There is no evidence of any present being made to Beden. Same ruling.)

A. I don't think he said to me that he had made any presents to any other editor or that he intended to. I don't know that I did at that time. I did suppose that he would very likely give money from himself or through the county committee to other editors. It has come to be regarded as a legitimate use of money when given for the purpose which I suppose this money was given. I believe it is a principle of ethics that it is the intention of any one which determines the morality of the act. If this money was given or sent to the editor of this paper for legitimate purposes, as I believe it was, and was not sent to buy votes or for any corrupt purpose, then I regard it as a proper and legitimate act.

44. Q. I observe that you are an expert in ethics and the moral duties of men, and you testify that you regarded this as entirely proper; why then have you intended to keep it so private?—A. For the reason that scandal and charges of all sorts of corruption and bad practices connected with the election have been sought to be heaped upon the contestee in this case, and for the further reason that if made public and talked about it might be caught up by those people who professed to believe in the charge of corrupt practices and thereby be used against him wrongfully.

45. Q. Your answer is highly satisfactory. Now, answer how early

did scandal and all sorts of corruption connected with that election and contestee get afloat?

(Same objections, and scandal and charges or rumors are not evidence; same ruling.)

A. I cannot answer. I can answer about the time they reached my ears, some time between the day of election and 30 days thereafter when I understood that contestant had served notice of contest; the latter part of November, I think.

46. Q. It appears, then, by your testimony that some 40 days had elapsed after you received and delivered this money before you heard these charges. Why did you keep it so private during that period?

(Same objections and rulings.)

A. I know of no reason why it was not told of during this time of which you speak except that nothing was said to me by any one that called for it, and I did not regard it as anything strange or of importance enough to mention. I could not say that it occurred to me during this time.

47. Q. Since you heard of those charges against contestee, have you intentionally kept it a secret from others than contestee and his counsel?

(Same objections and rulings.)

A. I think I have in this sense: If to fail to mention it implies intention, then I have so intended.

48. Q. Name the persons to whom you have told it since these charges have been made?

(Same objections and rulings.)

A. So far as I am concerned it is no matter of privacy, and I don't know that the persons to whom I have mentioned it have any objection to my mentioning their names. I have told this to the district attorney of this county, John E. Smith; I mentioned it in the law-office of Messrs. Mason & Wellington, of this place, in the presence of Mr. Wellington, Mr. Cushman, and Mr. Underhill; I have mentioned it very recently to Mrs. Manchester; and to-day, while on witness stand, told it again.

49. Q. Willingly?—A. Yes.

50. Q. You hardly answered me whether you heard Mason say anything from which you inferred that he had or was intending to make presents to the various editors, but gave your views upon moral questions; now, please answer that question.

(Same objections. Witness has already said that he did not hear that he heard Judge Mason say he had or intended to make presents to the editors. Same ruling.)

A. I do not think that he said anything to me of any intention so to do; my inference that he would do so, if he did, was based not upon anything he said, as I now remember, but upon my knowledge of what is usual, and of what is expected of candidates nominated for office during a campaign.

51. Q. You say you talked over the campaign; please state all that was said, as far as you can.

(Same objections.)

A. There does not now anything further occur to me of that interview.

52. Q. Did he ever state to you that he had made presents to any editor or editors, naming them?

(Same objections. Same ruling.)

A. No, sir.

53. Q. Did he ever state to you how much he was assessed by the

various committees of the two or either county?—A. I do not remember that he ever did.

54. Q. Did he ever say anything to you about the use of money in any other direction relating to the campaign, and before the election? (Same objections and ruling.)

A. He did not, I am confident.

55. Q. Did you receive other moneys from him during that campaign? (Same objections and rulings.)

A. I did not.

56. Q. What did you say to Beden, as you handed him the money? (Same objections and rulings.)

A. I would not be willing to undertake to swear to precise language; but my recollection is that I said to Beden substantially the word which Mr. Mason sent by me.

57. Q. Do you know when Mr. Mason gave him the balance of his share of the \$2,000?

(Objected to; there is no evidence that there was any \$2,000 given to editors, and as before. Same rulings.)

A. I don't know that there was any balance; I never have heard of any balance until since the putting of this question; and so far as I know and believe, there was none; so I must answer in the negative.

58. Q. If you think that that present was a proper one, why do you believe that there was not another one made of a like character?

(Same objections; there is no evidence this was a present; but the evidence is that it was a legitimate payment and disbursement only. Same ruling.)

A. When I stated that I believed there was no more, it was in answer to a question which assumed that the contestee distributed \$2,000 among the editors of this Congressional district. That I do not believe; hence, I did not believe that there was any balance for Mr. Beden.

59. Q. And is that the best answer you can give?—A. I don't know, sir.

Cross-examination by J. E. SMITH:

60. Q. About how long have you been a subscriber to the DeRuyter New Era?—A. Several years.

61. Q. And during that time have you received it weekly?—A. I have.

62. Q. It is, and always has been, a Republican paper, has it not?—It has.

63. Q. And during the whole of last campaign it supported the Republican ticket, and also advocated Mr. Mason's election, did it not?—Q. I think it did.

64. Q. And you have never had any knowledge that Mr. Beden, either through the columns of that paper or otherwise, opposed Mr. Mason's nomination or election?—A. I have no knowledge that he did.

65. Q. And do you not understand that Mr. Beden favored Mr. Mason's election to Congress?—A. That was my understanding of it, and is now. Somebody has intimated to me that Mr. Beden was a little inclined to adopt the Greenback financial policy, and claimed they thought he did not vote for Mr. Mason; but so far as I know and believe, he did vote for Judge Mason and the rest of the Republican ticket.

66. Q. Do you not know the fact that from Mr. Mason's nomination Mr. Beden printed in the columns of his paper the Republican ticket, including the name of Judge Mason for Congress?—A. Yes.

67. Q. Do you ever remember of seeing any article or intimation in that paper in opposition to Judge Mason's election?—A. I do not.

68. Q. Then, understanding as you did, and do, that, from the time



of Mason's nomination down to the time of his election Mr. Beden, as appeared by his paper, was a supporter of Judge Mason's election, was there anything in the sending of the \$15 to Mr. Beden that to you appeared, or caused you to believe or suspect, that it was intended as any bribe or influence to get the support of Mr. Beden for Judge Mason?—A. There was not.

69. Q. Would not that fact, to wit. that Mr. Beden was already friendly and favoring his election, be strong evidence to your mind that it was not designed for any bribe, but was for legitimate purposes?—A. I think it would.

70. Q. Do you know how much money Judge Mason was owing Mr. Beden for legal printing or other lawful work done by Beden for him at the time the \$15 was sent by you to Bedew?—A. I do not.

71. Q. Was there one word said by Judge Mason to you, or by you to Beden, that any part of that \$15 was to be by Beden employed in the purchase of votes, or for any other corrupt or improper purpose in that campaign?—A. Nothing whatever.

72. Q. And do you believe that Judge Mason designed or intended it for any such purposes?—A. I did not. No.

73. Q. From what you have already said on your direct examination I infer that you believe that money was intended for legitimate purposes. Am I correct?—A. You are.

74. Q. Do you not understand that in a campaign like the one of last fall there is a large amount of legitimate printing, such as printing ballots, posters, bills, and notices of meetings, &c., to be done by printers, editors, and publishers?—A. I do.

75. Q. And in this county there is no printing-office except those at which some newspaper is published?—A. I know of none.

76. Q. And do you not understand and believe, and so far as you have ever heard or known has it not been regarded by people of all parties as legitimate and proper for nominees to pay, either through the county committee or personally, the printers and editors for such printing and work as you have named done by them?—A. I believe it is universally conceded that the payment of editors by candidates for the services enumerated in the question is entirely legitimate.

77. Q. And do you not understand that such employment and payment has been practiced by all political parties, at least for a good many years? Please state how you understand it.—A. It is the practice adopted, as I understand, by all parties.

78. Q. And have you any knowledge but that this \$15 was to pay for such printing and work?—A. None, whatever.

79. Q. From what you know of Judge Mason, do you believe he would pay Mr. Beden or any other person money for any corrupt purpose or for anything except what he regarded as legitimate?—A. I have never known of Judge Mason's using money in any corrupt manner whatever.

80. Q. You spoke when examined by the counsel of scandal and charges which had been put afloat concerning Judge Mason. From anything you know or have been able to ascertain, do you not regard those charges as scandal gotten up and circulated by persons hostile to Judge Mason, either politically or otherwise, for the purpose of injuring him?—A. That is my opinion about it.

81. Q. When you suggested to Judge Mason that he had better go to De Ruyter, did you intend by that to convey any idea to him that he should go there and use money or any corrupt means in that campaign in furtherance of his election or otherwise?—A. I never suggested to Judge Mason nor anybody else that they should use money politically,

corruptly; did not so intend when I suggested to Judge Mason to go to De Ruyter. I did not suggest to him to use any money in De Ruyter or anywhere else.

82. Q. In either of the interviews with Judge Mason of which you have spoken, did he suggest to you that he had used or intended to use money to buy or bribe any person, or in any manner to corruptly or improperly aid in that campaign or in furtherance of his election?—A. He did not.

83. Q. The suggestion that you made that some persons in De Ruyter felt displeased, as you had learned, at something they saw, or thought they saw, in Judge Mason when there on a former occasion: do you mean by that that it was any wrong or improper act in Judge Mason of which they were displeased? If not, state what you meant.—A. I can state I do not; it was a little too much attention to some, and too little to others, as they looked at it, as I was informed; they did not tell me.

84. Q. Have you any knowledge of any corrupt political ring in this county?—A. I have none.

85. Q. Mr. Kern's name has been mentioned; has he not formerly been the district attorney of this county, and also member of assembly from this assembly district?—A. He has.

86. Q. And, as you understand, a man of character, of good reputation?—A. I so understand him to be.

87. Q. Have you ever known or heard it claimed that Judge Mason, or any person in his interest, purchased any votes, or used any money to corrupt the election in the town of De Ruyter where Mr. Beden lives?—A. No.

88. Q. Have you any knowledge of Judge Mason, or any person in his interest, corruptly or improperly using money in the last campaign?—A. I have no knowledge of any such thing.

89. Q. Are you one of the trustees of the Hamilton Union School; and, if so, how long have you been?—A. I am one of the trustees, and have been for seven years or more.

90. Q. How many trustees are there of that school?—A.—There are nine.

91. Q. During last fall was that school building repaired?—A. The building was somewhat repaired and enlarged.

92. Q. When did the district decide to make such repairs and enlargement?—A. At the annual meeting early in October.

93. Q. At that meeting was a building committee appointed?—A. No, sir.

94. Q. What action was taken at that school meeting?—A. A specific sum of \$1,200 for the addition, and \$140 for furniture was voted by the district to be assessed upon the taxable property, and the trustees were authorized to expend that money for the specific purpose for which it was raised.

95. Q. About how large a school is it?—A. There are at present upon the school-roll about three hundred and eighty names. There have been during the year about four hundred and twenty-five. There is one principal and six assistants, besides a music teacher, eight in all.

96. Q. Were those repairs and the enlargement of that building necessary and proper, and were members of both political parties in favor of their being made?—A. Yes. It was not a party question in any form. The enlargement was asked for at the two annual meetings preceding this.

97. Q. Please give the names and politics of the trustees.—A. F. D. Beebe, chairman of board, Republican; C. C. Wright, Independent;

Mr. A. A. Pierce, Democrat; Mr. D. C. Mott, Democrat; Professor J. J. Lewis, Republican; Mr. Wm. Sheldon, Republican; Mr. M. C. Waite, Republican; H. D. Bonney, Democrat; Wm. T. Manchester, Republican.

98. Q. Did the board of trustees appoint a building committee to take charge of the repairing and enlargement of that building?—A. They did.

99. Q. Name the persons appointed as such committee.—A. The executive committee, Mr. Wright and myself, together with chairman or board, was made building committee.

100. Q. Did that committee have charge of the work done on that building?—A. Yes.

101. Q. Was Charles Kelloway employed by that committee to work upon and superintend the work done upon that building?—A. He was.

102. Q. About when did you begin the work upon that building?—A. The cellar and foundation was commenced within less than a week after the district voted to build. The carpenter-work commenced the morning of the 7th of November.

103. Q. Did politics have anything to do with the repairing and enlarging of that building?—A. It did not, so far as I know, in any manner or form.

104. Q. When Kelloway was employed was anything said to him as to how he would vote, or anything relative to his politics?—A. Nothing said upon the subject whatever.

105. Q. Is the same thing true with reference to every other person who worked upon that building, so far as you know or have reason to believe?—A. It is.

106. Q. Were men of both parties employed to work upon that building?—A. There were.

107. Q. And were they employed without reference to their politics, or for whom they would or had voted?—A. They were, so far as anything I know.

108. Q. Was the repairing and enlargement of that building, either in the employment of help or otherwise, in any way used in the interest of any political party, or to aid in any manner the election of Judge Mason to Congress, or to secure votes for him?—A. It was not to my knowledge.

109. Q. Have you ever heard any such intimation until since this investigation began?—A. I have not.

110. Q. Do you know James Gilboy, of this village?—A. I do.

111. Q. What are his habits and what is his reputation and character in this community?—A. His habits are not always good; he has the reputation of being an intemperate man. I should say his character was rather bad.

112. Q. Have you not heard of his being in jail at different times?—A. I have.

Redirect examination:

113. Q. What is character?—A. I don't know how to define it. A name given to the estimation the public put upon a man, and is a moral mark which distinguishes one man from another, as Mr. Crabb has it.

W. T. MANCHESTER.

Subscribed and sworn to before me, April 25, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, New York.

*Deposition of George Beal.*

GEORGE BEAL, a witness recalled by the contestant April 25, 1879.  
(Contestee makes same objections to the evidence of above witness as were raised to Witness Manchester.)

Examined by S. D. WHITE.

285. Question. Did you hear a portion of Mr. Higginson's testimony to-day?—Answer. Yes; part of it.

286. Q. Did you first suggest to him that any one had been tampering with the grand jury?

(Objected to. Witness fully examined on that subject. Same ruling.)

A. I don't know how I can answer that; others may have spoken to him before I did.

287. Q. My question is, did he first speak to you or you to him, that some one had been tampering with the grand jury?—A. He first spoke to me.

288. Q. What did he say?

(Same objections. Incompetent and not rebuttal. Same ruling.)

A. He said the jury had been bulldozed. I met the marshal in the hall and said to him that I did not think the jury would find an indictment. He said he thought they would not, as the jury had been bulldozed so much. I then said to him that Mr. Welton had been talking about the case with the jurymen, and he said Welton ought not to do that, and he would speak to him and scare him. That was in substance all he said then.

289. Q. State the conversation in his office in relation to Charles Mason.

(Objected to on same grounds, and it is hearsay. Same ruling.)

A. He said he had told Judge Charles Mason about the case, and the judge said that young man, referring to Mr. Cushman, should be punished; he was the guilty one; he said he told the judge that Cushman was a clerk in his brother's office, and the judge said that did not make any difference—to bring him up.

290. Q. State again what transpired at the polls, as you were counting votes, so far as it relates to Mason.

(Objected to on all grounds heretofore made. Same ruling.)

A. I think I have been fully examined on both sides, and I ask to be excused.

Adjourned to 9 a. m., 26th of April.

9 A. M., SATURDAY, April 26, 1879.

Testimony of GEORGE BEAL resumed:

291. Q. Do you know P. B. Spear?—A. I do.

292. Q. As the students were having their examination at the city of Utica, was he there as a witness on behalf of the United States?—A. I was not there when he was sworn; I cannot tell.

Cross-examination:

293. Q. You say you met Marshal Higginson in the hall in the courthouse; were you and Stapleton not standing in the hall?—A. Not at that time.

294. Q. Was the marshal walking along the hall, and passing you?—

A. I met him as he came down the stairs in the hall.

295. Q. And you said to him that you did not think the jury would find an indictment, did you not?—A. I did.

296. Q. Did you give him any reason why you thought they would not?—A. I did not.

297. Q. Then it was your opinion that they would not indict, and you so expressed that opinion to Higginson?—A. I did.

298. Q. As you met him, the first thing you remember of being said was by your giving that opinion, was it not?—A. That was the first.

299. Q. Then you first spoke upon the subject, did you not?—A. I did.

300. Q. And did he make answer and say that he thought they would not, as the jury had been bulldozed, or something like that?—A. He did.

301. Q. He mentioned no name at that time, did he?—A. No.

302. Q. And did you then speak and say that Welton had been talking about the case with the jurymen?—A. I did.

303. Q. And then you were the first one to mention Welton's name, were you not?—A. I was.

304. Q. You had not seen Welton attempting to bulldoze any jurymen, had you?—A. I had not.

305. Q. You had not seen him talking with any jurymen about the case, to your knowledge?—A. I had not.

306. Q. The marshal did not say or name any person that had talked with the grand jury, did he?—A. He did not.

307. Q. Then it is not true that the marshal met you and said Welton has been bulldozing the grand jury?—A. He never said so to me.

308. Q. And was Mr. Stapleton near you at the time of this conversation?—A. I think not. Can't say how far away he was or where he was.

309. Q. The marshal said he would speak to Welton upon the subject, did he not?—A. He did.

310. Q. And soon after your conversation with the marshal Mr. Melton told you, in substance, that he had not in any manner tampered with the grand jury?—A. He said that he had simply spoken of the case to Mr. Wilson, a jurymen, I think.

311. Q. Question repeated.—A. He did.

312. Q. You did not deny or claim to him that in that he was not correct, did you?—A. I did not.

313. Q. And you do not know but that he told you the truth, do you?—A. I do not.

314. Q. Did he not tell you, in substance, that at the hotel Mr. Wilson asked him if he was a jurymen? He said not, but was a witness. Wilson asked him what case? He said in case of some students, and Wilson asked if it was the case that had been before the commissioner?—A. He told me that since, but not at that time.

315. Q. Then at that time he did not tell you the particulars of that conversation?—A. He did not.

316. Q. The statement made by the marshal as to what Charles Mason said in reference to Cushman and Hollingsworth you understood, did you not, that Charles Mason had said, if at all, what the marshal related, assuming that Cushman had hired the negro to vote, and that if he had so done that then he should be punished?—A. He did.

317. Q. The marshal did not claim or state that he had any personal knowledge as to what took place between Cushman and Hollingsworth, did he?—A. No, sir; he did not.

318. Q. Therefore, you understood that what the marshal told Judge Charles Mason he told as a report?—A. He did.

319. Q. And the fact that Charles Mason made the remark that Cushman should be punished if he had thus done, no matter about his being

a clerk in contestee's office, shows to you, does it not, that he would not countenance corruption, and furnishes evidence to your mind that any statement or insinuation of counsel, either in the form of questions or otherwise, trying to reflect upon Judge Charles Mason and to implicate him in some wrong transaction, is unwarranted ?—A. It does.

320. Q. As a fact, have you not heard it said that, up to the time Hollingsworth voted, there had never been anything said by Cushman to him about his being paid any money ?—A. I don't think I ever heard anything said upon that subject.

321. Q. Have you not heard it talked that after election Mr. Cushman, while in the barber-shop, gave Mr. Hollingsworth a dollar ?—A. I have heard it said he gave him a dollar after election, but don't know where or never heard where he gave it to him.

322. Q. As you understand, Mr. Hollingsworth was a poor man, and that Cushman had his barbering done in the shop where Hollingsworth worked ?—A. It is.

323. Q. And, sir, so far as you know, all there is to that transaction is, after election and without one word being said about election, Mr. Cushman, knowing Hollingsworth to be poor, and receiving little favors from Mr. Hollingsworth while being barbered in the shop, finally made him a present of a dollar ?—A. All I know of the matter is what I have heard since election.

Redirect :

324. Q. You say that you told Mr. Higginson that you thought there would be no indictment. What made you think so ?—A. Because Mr. Welton told me that United States District Attorney Townsend had agreed to take care of the case, and if he went into the jury-room there would be no indictment found.

325. Q. Do you understand that Mr. Watts Cushman is in town or has been during the present week ?—A. I have seen him this week in town.

326. Q. Did you this morning hear either of contestee's counsel state that Mr. Benedict returned home last night ?

(Objected to as not rebutting. Same ruling.)

A. I did not.

Recross-examination :

327. Q. Mr. Welton gave you as his opinion that no indictment would be found, did he not ?—A. He did.

328. Q. And said that the district attorney agreed to take care of the case ?—A. Yes ; and said that if he went into the jury-room there would be no indictment found.

329. Q. So far as you know, then, he wished to be understood that if the district attorney went into the jury-room he would get out the full facts, which if done, no indictments would be found ?—A. I can't say that was the way he wished to be understood.

330. Q. Can you say it is not what he meant to be understood ?—A. I can't say what he meant. I can't say what he did not mean.

331. Q. Do you not understand that it is the business of the district attorney to be in the room with grand jury, examine the witnesses, and find out the truth ?—A. Yes.

GEORGE BEAL.

Subscribed and sworn to before me this 26th day of April, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of C. W. Stapleton.*

C. W. STAPLETON, a witness recalled by contestant April 26, 1879.

Contestee makes same objections to the evidence of above witness as were raised to witness Manchester.

687. Question. Do you know P. B. Spear?—Answer. Yes, sir.

688. Q. Were you present in the city of Utica when he was sworn before Commissioner Dennison in student cases?—A. Yes, sir.

689. Q. Against Mix, Kneeland, and Moore?—A. Yes.

690. Q. Did he there swear that he could not state that these men were students of Madison University?

(Objected to. Same ruling.)

A. Yes.

691. Q. Were the proceedings adjourned in consequence of that inability, to get other members of the faculty?

(Objected to. Hearsay and immaterial and not rebuttal. Same ruling.)

A. Yes.

692. Q. Last evening Mr. Spear testified as to what his evidence was before the grand jury at Utica, in which he claimed to have had the most intimate personal knowledge of each of those men for the last four or five years. Can you state how he got his newly acquired information?

(Same objections. There is no evidence that Dr. Spear's information is new. Same ruling.)

A. No, sir.

693. Q. State what the witness Wade testified to on the examination of Hollingsworth before Commissioner Dennison.

(Same objections and rulings.)

A. Said he could not tell what time he did come there; he thought he came about June to work for him; that he paid him so much per week and he told the amount, which I have forgotten, and he told the amount he had paid him in the aggregate, and that he was only owing him for that week; that he sent money home to his family. The amount paid would show that he had been here about two months on the day of election.

694. Q. Did you hear Mr. Higginson say anything about the grand jury having been bulldozed?

(Objected to as not rebutting, matter fully gone over, and incompetent. Same rulings.)

A. He said Welton had been tampering with the jury.

Cross-examination by J. E. SMITH:

695. Q. Can you state the amount of money Wade swore he had paid Hollingsworth?—A. I cannot.

696. Q. Did Wade produce before the commissioner any memoranda of the amount?—A. No, sir.

697. Q. Then he testified, as you understood, to the moneys which he then remembered to have paid Hollingsworth?—A. Yes.

698. Q. And the United States there sought to show the length of time Hollingsworth had been in Madison County by showing the amount of money which Wade then could recall that he had paid him?—A. Yes, as one of the means.

699. Q. And did Wade testify that the money had been paid at different times in small payments?—A. He did.

700. Q. And as a witness, aside from his memory as to the amount of money paid or when paid, he testified that as he remembered Hollings-

worth had been with him since about the May previous?—A. Yes, aside from that money. I think it was June previous.

701. Q. You have no knowledge that Dr. Spear had got any newly acquired information?—A. No, sir.

702. Q. Did Higginson give any reason why he thought Welton had tampered with the grand jury?—A. He did not say to me he thought. Strike out the word thought and I will answer.

703. Q. Did he tell you where he got his information?—A. He did not.

704. Q. And you have no knowledge that he knew or believed that Welton had thus done?—A. No.

Redirect :

705. Q. Something has been said about the district attorney, Townsend, appearing before the grand jury in this case. Did he in any other case while you were waiting for your case to be called?

(Objected to as before. Same ruling.)

A. No, not to my knowledge.

706. Q. How many days were you there before this case was called?

(Same objections and rulings.)

A. This case was called the fourth day.

707. Q. Mr. Spear has testified that the proceedings before that grand jury were perfectly fair, and has narrated the evidence he gave before them, which shows that the proceedings were most unfair, and that narration showed that he attempted to and did make, so far as he could, a special lawyer-like plea in their behalf, disclosing everything that he could possibly think of or invent in their behalf, and omitting to state anything which fairness required he should state. Now you please state what his evidence before the grand jury was.

(Objected to, that the whole preamble in the question concerning Dr. Spear is false. Contestee believes counsel knows it, and that he made it in hopes to mislead and deceive members of Congress, whom contestee believes to be fair and honest men, and will desire to decide this case upon its merits.)

A. I was not present and did not hear him sworn.

C. W. STAPLETON.

Subscribed and sworn to before me, April 26, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, N. Y.*

*Deposition of Eugene F. Grosvenor.*

EUGENE F. GROSVENOR recalled on behalf of contestant.

APRIL 26, 1879.

Examined by S. D. WHITE :

(Contestee makes same objections to the evidence of above witness as were raised to witness Manchester.)

89. Question. You stated upon your former examination that Mr. Van Slyck said to you that Mason made presents to the editors of the district without distinction to party. Mr. Van Slyck does not remember that part. Now state any further thing that was said between you which indicated that he meant papers of all parties.

(Same objections and rulings.)

Answer. I was surprised when he said that, and there was a Democratic Union lying on the show-case, and I said "You don't mean the editor of the Democratic Union, do you?" and he said he did.



Cross-examined by J. E. SMITH :

90. Q. Do you take the Democratic Union ?—A. No; I usually get Mr. Harmon's and Wedges's mail, and they take the Union. I always get their mail when I get mine, and they get theirs from the store.

91. Q. Did you see the Democratic Union at different times during campaign?—A. Yes; I presume I read it every week.

92. Q. You know, as a fact, do you not, that that paper did not support Mr. Mason during that campaign, but did support Mr. Duffy ?—A. I understood so.

93. Q. Mr. Van Slyck did not say from what source he heard the rumor that such presents had been made?—A. No, sir.

94. Q. And you have no knowledge, except the statement that he made, that he had ever heard of any such thing, have you ?—A. No.

Redirect examination :

95. Q. Did you read the editorials of that paper, so as to be able to state whether it very earnestly supported Mr. Duffy, and whether it properly commented upon the political character of Mr. Mason ?—A. No; I did not.

96. Q. I understood you to testify when last upon the stand before that you understood Mr. Van Slyck to state what he did in relation to presents to editors as a fact, but that the \$1,500 which was sent to Oswego as a rumor. Is that the way you meant to be understood ?

(Same objections and rulings.)

A. Yes, sir.

97. Q. Did he inform you that what he said in relation to presents to editors he regarded as a mere rumor on which he placed no reliance ?

(Same objections and rulings.)

A. I did not understand it so.

98. Q. You thought him to be in earnest in this conversation, did you ?

(Same objections and rulings.)

A. Yes.

99. Q. The Democratic Union is, as you understand, a Democratic paper, published at Oneida, in Madison County ?—A. Yes.

Recross-examination :

100. Q. Have you ever known or heard of the Democratic Union supporting any Republican nominee ?

(Objected to on the ground that contestee has no right to speak in behalf or defend the Democratic Union, unless it was actually in Mason's interest in last campaign. Same ruling.)

A. No; I never have.

101. Q. And have you ever heard it suggested that that paper did not support Mr. Duffy ?—A. No.

102. Q. Mr. Van Slyck testified that what he did say to you was concerning rumors which he had just heard, and that he did not intend you should understand him as speaking except of rumors, and that in fact he was only speaking of rumors, and not of anything within his knowledge. Can you say that in that he is not correct ?—A. I did not understand him so. I can't say what he meant.

E. F. GROSVENOR.

Subscribed and sworn to before me April 26, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of James Gilboy.*

JAMES GILBOY, a witness recalled by contestant April 26, 1879, testifies as follows:

(Contestee makes same objections to the evidence of above witness as were raised to witness Manchester.)

Examined by S. D. WHITE:

195. Question. Have you drank anything to-day?—Answer. No, sir; not a drop since a week ago last Thursday.

196. Q. Do you say to-day that Mr. Cushman and Benedict bought your vote?

(Objected to upon the ground that it is incompetent, not rebuttal, and hearsay, and witness has been fully examined on this point; same ruling.)

A. Yes, sir; and paid me 50 cents.

Cross-examination by J. E. SMITH:

197. Q. I suppose, James, you do not want to swear any different from what you have sworn?—A. No, sir.

198. Q. And having once sworn to the things you did, you would not want to change them or swear differently now, would you?—A. No, sir.

JAMES GILBOY.

Subscribed and sworn to before me April 26, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

Contestant now offers in evidence the decision of Judge Wallace in the case of the Cattaraugus students; same received and pasted hereon. (Same objections, and it is irrelevant to this issue.)

Students, before voting, should carefully ascertain their right to do so, as the question of their right to vote for United States Congressman, if tested, would come for trial before Judge Wallace of the United States district court, at Syracuse, who delivered the charge to the jury which convicted, for illegal voting, James McCarthy, a student at St. Bonaventure College, at Allegany, Cattaraugus County, New York. In order that those who intend to vote may do so with their eyes open, we publish the following extract from Judge Wallace's charge to the jury:

"Of course, the defendant was not a resident of both Orleans County and Cattaraugus County; he could reside in one county only for the purpose of exercising the right of suffrage. It appears indisputably that until September, 1875, he was a resident of Orleans County, and was a legal voter there. Now, the presumption of the law is that he continued to be a resident of that county, in the absence of evidence to the contrary, and the whole case may therefore be determined by ascertaining whether or not he acquired a new residence in Cattaraugus County—whether the evidence adduced overcomes the legal presumption to which I have referred. And it is at this point that the bearing and effect of the constitutional provision found in section three of article two of the constitution of this State becomes important. The language there employed is: 'For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while a student of any seminary of learning.' By force of this language it is clear that defendant neither lost his residence in Orleans County, nor gained a residence in Cattaraugus County, merely because of his appearance in the latter place as a student at the college. Now, I do

not pretend to instruct you that this constitutional provision precludes a student from acquiring a residence at the place where he is attending college, but the fact must be established by evidence other than that which is afforded by this sojourn in the place as a college student. A change of residence may be effected by a change of location with the intent to make that location a new home, as distinct from an intent to return when some temporary purpose is accomplished. But a change of residence is not effected by intention alone, nor by change of location alone. Both must occur. And the intent must be evinced by consistent acts which denote an abandonment of the former residence, and the selection of a new home. You may find here that defendant never intended to return to Orleans County as his home, from his declarations and his conduct, but you must also find, before you can decide that he can acquire a new residence, that he intended to make Cattaraugus County his future home, and evinced that intent by corroborative acts. It therefore follows, if the evidence does not disclose any circumstances which distinguish his case from that of the ordinary one of a college student, intent upon prosecuting his studies, but who has left the paternal roof to mark out his own future for himself, it fails to meet the requirements of the law for the acquisition of a new residence, and the main question in the case will turn upon your conclusion upon the subordinate one. In conclusion, it is appropriate to remind you that, although the defendant may have conscientiously believed he had acquired a residence in Cattaraugus County, and was exercising a lawful right in voting there, his violation of the law is not thereby purged of the criminal intent which is the essential element of every crime. Every citizen is presumed and required to know the law."

Contestant here gives notice that the man, James Benedict, who, it is alleged, assisted Cushman in buying James Gilboy's vote, came home last evening and is now in this village. And contestant here offers to allow contestee to call said Benedict, notwithstanding he has closed his case, and also offers to allow him to call Watts Cushman, to the end that, if they can swear that they did not buy said Gilboy's vote, they and each of them can have the opportunity of thus doing.

The contestee here states that, as to Benedict, as has been proven, contestee has had no opportunity to subpoena him and to give him the five days notice required by the statute, as he has been absent from Hamilton, as has been proven, and if he returned home last night, as contestant claims, contestee rested his case before knowing of the fact, and before he had any opportunity to subpoena Benedict as the law requires. That there is no evidence in this case, as contestee believes, making it necessary to swear either Benedict or Cushman, the evidence of Gilboy showing upon its face its falsity, and, being thoroughly contradicted by disinterested witnesses, does not need any reply.

*Deposition of David H. Foster.*

APRIL 26, 1879.

DAVID H. FOSTER, a witness produced and sworn on behalf of contestant, testifies as follows:

(Contestee makes same objections to the evidence of above witness as were raised to witness Manchester.)

Examination by S. D. WHITE:

1. Question. Do you know Joseph Mason?—Answer. Yes, sir.

2. Q. Are you a Republican?

(Objected to as incompetent, not authorized by statute, and not rebutting evidence, and immaterial; same ruling.)

- A. Yes.
3. Q. Did you vote for Mason for member of Congress?  
(Same objections and rulings.)
- A. Yes.
4. Q. During the campaign did you hear him say anything about the raising of money?  
(Same objections and rulings.)
- A. No, sir.
5. Q. Have you your checks from October 1 to present time?—A. Yes, sir.
6. Q. Previous to the 5th of November, did you loan him any money?  
(Same objections and rulings.)
- A. No, sir; I never loaned him a dollar in my life, and he never asked me for a loan.
7. Q. Prior to that time, do you know of any one else having loaned him any money?  
(Same objections and rulings.)
- A. No, sir.
8. Q. Have you heard that any one did during any time last fall?  
(Same objections and rulings.)
- A. No, sir.
9. Q. Did you go with him to the city of Oswego any time last fall?  
(Same objections and rulings.)
- A. No, sir.
10. Q. During the week prior to election did you know or hear of his going to the city of Oswego?  
(Same objections and rulings.)
- A. Yes.
11. Q. What day did he go?  
(Same objections and rulings.)
- A. I don't know; I simply heard he was at Oswego.
12. Q. Did you hear him say anything about going?  
(Same objections and rulings.)
- A. No, sir.
13. Q. After his return, did you hear him say he had been?  
(Same objections and rulings.)
- A. It was after election; he said he had been up to Oswego the week previous to election.
14. Q. How soon after election did he tell you that?  
(Same objections and rulings.)
- A. It was within a week; I don't remember the day; I was inquiring when he had been at Oswego.
15. Q. Why did you inquire when he had been at Oswego?  
(Same objections and rulings.)
- A. I am quite well acquainted with many of the business men of Oswego, and I have friends there; I wished to know if he met them.
16. Q. What reason had you to suppose he had been to Oswego?  
(Same objections and rulings.)
- A. I did not suppose he had; I asked him when he had been there last; Oswego is in this Congressional district.
17. Q. Was it the night after election?—A. No, sir; I don't think it was.
18. Q. Did you hear him say anything about having seen or talked with Kingsford?—A. No, sir.
19. Q. Or that he expected in any way aid from Kingsford?  
(Same objections and rulings.)

A. No, sir.

20. Q. Did you ever hear him say anything about what his election cost him?

(Same objections and rulings.)

A. No, sir; Mr. Mason did not make me his political confidant.

21. Q. Did he say anything about the campaign or his prospects in Oswego city at any time?

(Same objections and rulings.)

A. Previous to his nomination he told me he had grave doubts in his own mind about accepting the nomination; that the combination of Democrats and Greenbackers in the district gave the canvass an outlook that he could not fathom; it was not as clear to him that the Republicans would carry the district as it had heretofore been. I was absent shortly after that conversation, and when I returned I learned that he had accepted the nomination. This is the most of the conversation I had with him during the canvass.

22. Q. At any time during the fall did you know or hear of his converting any bonds or other securities of any kind?

(Same objections and rulings.)

A. No, sir; I know nothing whatever about his money matters.

23. Q. You know of no facts nor have heard of any relating to the raising of money by himself or any of his friends for him?

(Same objections and rulings.)

A. No, sir.

24. Q. Did you learn that the contestee talked of calling you as a witness?—A. Yes, sir.

25. Q. Did you talk with his counsel?

(Same objections and rulings.)

A. Yes, sir; I heard a number of witnesses named that were to be called by Mr. Lamoree. I saw Mr. Lamoree and asked him if they thought of calling me. He said they had, and I told him it was useless, as I knew nothing whatever about it, and I did not wish to spend time thus.

26. Q. Mr. Lamoree stated here in open court that he desired to call you to prove that Mr. Kelloway had sent word by you to Mr. Mason that he should vote for him. He afterwards stated in this village, and elsewhere, that it would not do to call you, for you knew some things that might be inquired of upon cross-examination which would be damaging to Mason. Have you the least idea what that might have been?

(Same objections. Mr. Lamoree's statements made not under oath are not competent as against Judge Mason, if he made any.)

A. I know nothing damaging to Mr. Mason's case or his character.

27. Q. Did you tell Mr. Lamoree, or any of Mr. Mason's counsel, a single thing that you did know?—A. No, sir.

28. Q. Do you know of a single fact or act, or have you heard of any, which has been talked over between you and counsel, which you have desired to keep secret?

(Same objections and rulings.)

A. No, sir.

29. Q. And have they, or either of them, asked of you concerning anything which you knew, concerning which I have not inquired?

(Same objections and rulings.)

A. No; have not.

30. Q. In the answers which you have given, have you any, or did you have when giving them, any misgivings or mental reservations?—A. No, sir.

Cross-examination by J. E. SMITH :

31. Q. After Mr. Duffy made his political speech in the village of Hamilton during that campaign, did you hear Charles Kelloway say anything relative to it, or to his future political action? If so, state fully what he said, and what he said about supporting Judge Mason.—

A. He met me on the street one day and asked me if I heard Duffy's speech, and I replied that I did; and he said he did. Previous to that time he had made up his mind to vote the Greenback ticket, but that speech had reconverted him, or words to that effect; that he should vote the Republican ticket, and also for Mr. Mason; and wished me to tell him so. It was soon after Duffy's speech, about two weeks before the election. I think I informed Judge Mason; am not sure. I had but little conversation with him during the campaign.

Redirect :

32. Q. Did you tell Mr. Lamoree, or any of Mason's counsel, that fact?—A. No; I told Mr. Bonney. I only met Lamoree twice while here, I think.

D. H. FOSTER.

Subscribed and sworn to before me April 26, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

*Deposition of Charles Kelloway.*

CHARLES KELLOWAY, a witness produced and sworn on behalf of contestant, testifies as follows :

Direct examination by S. D. WHITE, April 26, 1879 :

(Contestee makes same objections to the evidence of above witness as were raised to witness Manchester.)

1. Question. What is your age and occupation?—Answer. Thirty-one years; am a carpenter and builder.

2. Q. Where do you reside?—A. In Hamilton village.

3. Q. Where did you during the months of October and November last?—A. In Hamilton.

4. Q. For whom did you vote for member of Congress?—A. I voted straight Republican ticket, including Mason.

5. Q. When did you fully make up your mind to vote for Mr. Mason as member of Congress?

(Objected to as not rebutting evidence, incompetent, and immaterial. Same ruling.)

A. After Mr. Duffy spoke here I fully made up my mind.

6. Q. Did you fully make up your mind to vote for Joseph Mason until the Monday evening before election?

(Same objections; same rulings.)

A. Yes, sir.

7. Q. Did you not see Mr. Mason the evening previous to election?

(Same objections; same rulings.)

A. I did.

8. Q. Where?

(Same objections and rulings.)

A. At his office.

9. Q. Was it not in a private room when none but himself and you were present?

(Same objections; same rulings.)

A. It was.

10. Q. At whose invitation did you go there?

(Same objections and rulings.)

A. Mr. Mason's.

11. Q. Did he not there pay or give you some money?

(Same objections and rulings.)

A. I decline to answer such questions as to what took place between myself and Mason.

(Contestee, without waiving objection already made or right to insist that the deposition of witness shall not be taken, desires the witness to state fully what occurred in that room. The contestant also demands an answer, and insists that if such material questions are not answered the witness must go to Washington.)

12. Q. Do you decline to answer as to everything that transpired between you and Mason in that private room the evening preceding election?—A. Yes, sir; I do.

13. Q. Were you subpoenaed by the contestee or his agent, Mr. Smith, or any one else to appear and give evidence in contestee's behalf at any time during the week ending April 5?—A. Yes, sir.

14. Q. On Saturday, the last day, were you in the court-room in Tripp's Hall?

(Same objections and rulings.)

A. Yes, sir.

15. Q. Did the court there wait for some length of time while you and Mr. Lamoree, one of contestee's counsel, were in consultation?

(Same objections and rulings.)

A. I think they did.

16. Q. Was not the said Lamoree urging you to take the stand as a witness?

(Same objections and rulings.)

A. He was.

17. Q. Had you not had frequent consultations with the said Lamoree during that week?

(Same objections and rulings.)

A. I did.

18. Q. You may state where.

(Same objections and rulings.)

A. At our house and at Mr. Mason's; also in the hall and on streets.

19. Q. Did he not urge upon you on those occasions the great necessity of your taking the stand in behalf of Mason?

(Same objections. What Lamoree urged, said, or done, is no evidence bearing upon this issue, which is as to whether the election was brought about by fair or corrupt means. Same rulings.)

A. He did.

20. Q. You say he visited you at your house. Was it, sir, in the day-time or night?

(Same objections and rulings.)

A. It was at night.

21. Q. What time of night?

(Same objections and rulings.)

A. I think it was between midnight and 1 a. m.

22. Q. Was he alone?

(Same objections and rulings.)

A. No, sir.

23. Q. How many were with him?—A. Two.

24. Q. Were you in bed?

(Same objections and rulings.)

A. I was, and asleep.

25. Q. How long was that previous to this Saturday?

(Same objections and rulings.)

A. I think it was on Friday night.

26. Q. Did he there urge upon you the necessity of your taking the stand for Mason the next day?

(Same objections and rulings.)

A. He did.

27. Q. How long did he remain with you that night?

(Same objections.)

A. From one hour to one hour and a half.

28. Q. When was it you had the interview at Mason's house?—A. It was April 5, and about 5 o'clock p. m. The last day of the contestee's forty days.

29. Q. Was Mason then at home?—A. No, sir.

30. Q. Were you not invited there to dinner or to tea?—A. No, sir.

31. Q. Did he there urge you also?

(Same objections and rulings.)

A. He did.

32. Q. Were any others than you and he present at the house?—A. No, sir.

33. Q. To these urgent solicitations at your house, at Mason's house, and in the hall, or court-room rather, what answer did you give him?

(Same objections. The conversation between witness and Lamoree in Mason's absence is incompetent. Same rulings.)

A. I told him I should not go onto the stand and swear to what he wanted me to.

34. Q. Did he not, sir, at some of those places, and have you not so stated, write out a series of questions which he wished to put you upon the stand and also your answers thereto which he wished you to adopt when on the stand?

(Same objections and rulings.)

A. I never made any such statement, but he did.

35. Q. What did you say to him to that?

(Same objections and rulings.)

A. I told him I would see him later. I would not go on to the stand for any man under those considerations.

36. Q. Did you, sir, decline to go upon the stand and swear to what he urged you to?

(Same objections and rulings.)

A. I did.

37. Q. Did not other persons than Mr. Mason's counsel, living in this village, also urge you to go upon the stand in behalf of Mason?—A. I cannot say they did. Mr. Lamoree is the only man that urged me to go upon the stand.

38. Q. Did he not in those questions and answers, among other things, desire you to swear that you had received no money from Mason or his friends in relation to that election?

(Same objections and rulings, and only given to prejudice Judge Mason's case.)

A. He did, and clear up some old things I knew nothing about.

39. Q. Was that one of the questions (referring to my last question) which you declined to answer as he desired?

(Same objections and rulings.)

A. I decline to answer that question.



40. Q. Is it not true that while you had concluded to vote the general Republican ticket, yet you had not up to the Monday evening previous to election fully concluded to support Mason, and have you not stated that, and that it was upon personal grounds?

(Same objections and rulings.)

A. I made up my mind soon after Duffy spoke here to vote the Republican ticket.

41. Q. Had you had any personal feeling toward Mason?

(Same objections and rulings.)

A. I had. I don't think he used me right in a great many things in building his house.

42. Q. And is it not true that that personal feeling was not removed until the consultation in that private room the Monday before election?

(Same objections and rulings.)

A. I decline to answer that question. We settled our difficulties previous to the election.

43. Q. When you were asked the last question, and before you had fully answered it, did contestee's counsel, Mr. Smith, commence talking to you as to your answer?—A. I can hardly tell how to answer that question.

44. Q. Who came to your house with J. J. Lamoree the night before the 5th of April, at the hour of midnight or after?

(Same objections and rulings.)

A. I decline to answer that question.

Cross-examination by J. E. SMITH:

45. Q. Were you not absent from home the day that you was called upon by Mr. Lamoree and others on the night as you have stated?—A. Yes, sir; I think I had been away that day. I got home, I think, about 5 p. m.

46. Q. Were not Mr. Mason's counsel, including Mr. Lamoree, as you understand, busy taking evidence that day and quite late that evening?—A. I think they were.

47. Q. And had either of the counsel for contestee had an opportunity to talk with you in regard to this case up to that evening, and to confer with you as to what evidence you could give in the case?

(Objected to upon the ground that witness has said that he had talked with Mr. Lamoree before that.)

A. They had had an opportunity, but I don't know as they had talked with me about the case much. Mr. Lamoree had talked with me.

48. Q. Do you mean when you say they had had an opportunity, that you had been about town, and that they were not occupied in other matters, might have seen and consulted with you?—A. Yes, sir.

49. Q. Had you ever, up to that night, informed either Mr. Wellington, Smith, or Keith as to the evidence you could give in the case?—A. No, sir; I think not.

50. Q. You understood, did you not, that the next day, to wit, Saturday, was the last day for contestee to give evidence?—A. I understood so.

51. Q. That being the case, and you having been absent that day, did you not regard it as a proper thing for Mr. Lamoree and the other gentlemen to come to your house that night and see you for the purpose of ascertaining what the facts were as to the evidence that had been given concerning you?

(Objected to on the ground that the question is unfair, and that it does not call attention to the time of night.

Contestee means at the time they went.)

A. I thought it was all right and proper.

52. Q. Did you tell those gentlemen what you should testify to in the case?—A. I did.

53. Q. You lived in the village, did you not?—A. Yes, sir.

54. Q. After you made your statement as to what you should testify to, did not one of those gentlemen immediately thereafter leave your house and go to his home, or where he was stopping?

(Objected to on the ground that witness has no right to answer that question, he having declined to answer who those gentlemen were, as they could not be called by contestant upon that point. Same ruling.)

A. He did.

55. Q. Up to that time had you been urged to take the witness stand?—A. No.

56. Q. Are you not willing to tell who those gentlemen were that came to your house?—A. I decline to tell who they were. They were friends of mine.

57. Q. Did Mr. Lamoree, after you stated to him what you did, regard your evidence in many respects as important to Mr. Mason, and say to you that they would want to use you as a witness, or that he thought they would?

(Objected to on the ground that the witness should state what was said, and that witness cannot state what Mr. Lamoree thought except as Lamoree stated it. Same as ruling.)

A. He did not say that in substance.

58. Q. When did you next see Mr. Lamoree?—A. Saturday morning.

59. Q. Did you not say to Mr. Lamoree that you desired to go upon the stand and contradict some of the things claimed about you?

(Objected to on the ground that that perhaps would pertain to matters upon the day of election which has not been inquired of on direct, and in relation to which the witness, having declined as to some other questions, should decline as to that, and the court should so hold to the end, that both parties should be treated alike. Same ruling.)

A. I told him I would like to go on the stand and contradict some things that had been said about me, but I would not swear to what he asked me to.

60. Q. Did not Mr. Wellington, Mr. Keith, and Mr. Smith, contestee's counsel, at all times say to you that if you was sworn to tell the strict truth.

(Objected to upon the ground that the declarations of those men to this witness are incompetent; same ruling.)

A. Yes. I had no conversation, however, with Mr. Keith that I remember of.

61. Q. Did ever, either at your house or elsewhere, any person except Mr. Lamoree try to induce or influence you to take the stand and to testify to anything except what you claim was the strict truth and was willing to testify to in this investigation?—A. No one; except Mr. Lamoree.

62. Q. And you think that Mr. Lamoree seemed anxious or desired you to state what you did not wish to in this case?—A. He did; yes, sir. Things that I knew nothing about; he got hold of the wrong boy.

63. Q. Judge Mason was in Washington, and so far as you know knew nothing of your conversation with Lamoree?—A. He was in Washington and knew nothing about it.

64. Q. After you heard Mr. Duffy's speech you very soon decided not to vote any part of the Greenback ticket, but to support the Republican ticket?—A. I did; yes, sir.

65. Q. When was Judge Mason's house built?—A. In 1876, I think.

66. Q. You had charge of that job, did you not?—A. Yes.

67. Q. And some matters of dispute arose in connection with that job that caused a little feeling on your part against Judge Mason?—A. Yes.

68. Q. Had you not become friendly some time before election?—A. Yes, sir; a short time before election.

69. Q. And were you not friendly or more so than you had been before the Monday night preceding election?—A. Yes, sir.

70. Q. You had been, had you not, on speaking terms?—A. Yes; always on speaking terms.

71. Q. And, sir, immediately after Mr. Duffy's speech, which the evidence shows was at least two weeks before election, you felt sufficiently friendly on your part, so that you felt inclined to support Judge Mason?—A. Yes.

72. Q. And did you tell Mr. Bonney and Mr. Foster soon after that speech that you were going to vote the Republican ticket and support Judge Mason, and direct them to so inform Judge Mason?

(Contestant objects to any evidence being given as to what transpired before or on the day of election, because he has declined to answer to certain transactions on the evening of election, and it is not fair that he should be inquired of or answer as to those things. Same rulings.)

A. I did.

73. Q. Would you have supported Judge Mason and voted for him if you had not seen him in his office on Monday night before election?

(Same objections and rulings.)

A. Yes, sir.

74. Q. Did Judge Mason ever buy your vote or hire you to vote for him, either with money or other valuable consideration?

(Objected to. That the witness has declined to answer a similar question put by contestant, and declined to answer as to any transaction in that room, and therefore contestant cannot ascertain what was said or done from which an inference might be drawn. Same ruling.)

A. No, sir; he never did. I won't answer anything further in regard to that conversation.

75. Q. Was that an interview concerning private business of your own with Judge Mason which you do not here desire to disclose?—A. I decline to answer.

76. Q. Question repeated.

(Objected to on the ground that the witness has twice declined to answer, once to contestant, and once to contestee. The question is therefore fully answered. Same ruling.)

A. Yes, sir. It was.

77. Q. Did you on election day take from your pocket or any other place money and hold it in your hand and say to Edward Lamb, or any other person in the presence of Edward Lamb, "That stamps talked today, and that was what you was after," or anything like it in substance or effect?

(Objected to on the ground that contestant has not inquired of the witness anything concerning what took place on election day, and this examination upon that subject is an examination by contestee, and he thereby makes him his own witness, and which would necessarily require a very lengthy cross-examination by contestant if the witness should give what transpired on election day. Same ruling.)

A. No, sir; I will solemnly swear I never made that remark to any person.

78. Q. Did you ever state to any person after you had decided to vote the Republican ticket, as you have stated, that you would not nor would any of your brothers vote for Judge Mason, or anything like it?—A. No, sir.

79. Q. Did you ever make that remark or statement or any part of it after you told Bonney and Foster that you was going to vote the Republican ticket and for Mr. Mason?—A. No, sir; I think not. The time I made the remark was the last day of the Hamilton fair, in September or October; that is the only time I remember of making that remark; then I did not mention my brothers.

80. Q. Did you on Sunday night before election, in Wilcox's saloon or at any other place, tell Joseph Stevens that you would not vote for Judge Mason, or anything like that?

(Objected to on the ground that contestee cannot contradict his own witness. Same ruling.)

A. No; I was in Poolville that night, got home quite late.

81. Q. On election day did you see Eugene Baker?—A. I did.

82. Q. Did you and Mr. Baker have a private conversation before he voted?—A. No, sir; not one word.

83. Q. Did you give or offer him Judge Mason's ballot?—A. No, sir; I did not speak a word to him on politics.

84. Q. Do you know how he voted?—A. No; I do not.

85. Q. After he voted did he step back from the polls, and you say to him, "Now you may come on in the morning"?—A. No, sir.

86. Q. What conversation did you have with Baker?—A. I had not seen Mr. Baker in two or three weeks. I asked him what he was doing; he said he had a job over in east part of town. I told him I should commence on the Union school-house on next day and wanted his help; he said he thought he could get through in three or four days. I told him to come on the Union school job as soon as he got through, and he commenced November 14, 1879.

CHARLES KELLOWAY.

Subscribed and sworn to before me April 26, 1879.

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

The contestant here closes his case with the request that the Congressional committee summons Mr. Kelloway before them, except that the contestant will call T. Leonard on the points agreed upon.

*Deposition of Thaddeus Leonard.*

THADDEUS LEONARD, a witness recalled on behalf of contestant, testifies as follows:

735. Question. Have you seen this list of names?—A. Yes.

736. Q. Do you understand they are Democrats?

(Objected to.)

A. Yes.

737. Q. From the evidence in this case, and from other information which you have, did those gentlemen whose names appear on that list vote for Mr. Mason for member of Congress?

(Objected to. Witness should speak from knowledge. Incompetent and hearsay.)

A. I so understand it.

738. Q. Do you know how many more Democrats did or did not in this election district?

(Objected to as incompetent. Same ruling.)

A. No, sir; I don't.

739. Q. These men reside in this election district, do they not?—A. Yes.

740. Q. Read the list.

(Objected to as incompetent. No foundation laid for the evidence. Same ruling.)

A. Eli Barber, Ebenezer Dodge, N. L. Andrews, A. J. Hackley, Nelson Fairchilds, Hugh Leonard, Le Roy Fairchilds, P. B. Havens, J. J. Shores, J. W. Shores, S. S. Shores, John Hopkins, Edward Osborn, Wolcot Hubbard, George Frink, D. B. West, Robert Patterson, John Bradin, William Fairchilds, James Gilboy, Joseph Stevens, George Barber, Kirk Barber, C. M. Wickwire, Jaret Wickwire, Frank Wickwire, Samuel Wickwire, Edward B. Mott, Frank Sheean, James Cooper, William Osborn, W. K. Lippitt, De Witt Osborne, Robert Upham, James Thompson, Charles M. Mott, James Murray, Charles Wilcox, Austin Tibbitts, Michael Flaherty, A. B. Rice, Nelson Fairchilds, jr., Maro Hubbard, Michael Brogan, John Hughes, Leonard White, William Stoddard, Le Roy Clark, Eugene Bonney, H. D. Bonney, Adelbert Beebe, Amos Lamb, Oliver Wilcox, Martin Morrissey, Patrick Hogan.

Cross-examination:

741. Q. Have you any personal knowledge as to whether these men voted for Judge Mason?—A. No personal knowledge.

742. Q. Do you know how James Thompson voted?—A. No personal knowledge.

743. Q. Have you heard it said or rumored that some of the gentlemen named voted for Judge Mason?

744. Q. Can you tell what ones you heard it rumored voted for Mason?—A. Have heard it rumored John Hopkins, Jim Thompson, Michael Flaherty, Kirk Barber, Patrick Hogan, Sam Wickwire, Martin Morrissey, James Murray, William Stoddard, Robert Upham, Eugene Bonney, Le Roy Clark—can't name any more now.

745. Q. Will you swear that you heard it rumored that Le Roy Clark, William Stoddard, John Hughes, Adelbert Beebe, Oliver Wilcox, Amos Lamb, or Frank Wickwire, James Thompson, Michael Flaherty, or either of them, voted for Judge Mason?—A. Yes.

746. Q. From what source did you hear such rumors?—A. Ed Mott told me of some of them.

747. Q. Which ones did Mott tell you?—A. I think John Hughes and Adelbert Beebe.

748. Q. Have you talked with either of those gentlemen to see how they voted?—A. No, sir.

749. Q. And can you say that every one of those gentlemen did not vote for Mr. Duffy?—A. I can't from personal knowledge.

750. Q. Many of these gentlemen you have named are very responsible and honorable men, and are active members of the Democratic party, are they not?—A. Yes.

THADDEUS LEONARD.

Subscribed and sworn to before me April 26, 1879.

S. E. SCRANTON, JR.,  
Notary Public for Madison County, New York.

We hereby certify that the foregoing depositions of William T. Manchester, Geo. Beal, C. W. Stapleton, E. F. Grosvenor, James Gilboy, D. H. Foster, Charles Kelloway, and Thaddeus Leonard were taken by us on

Friday and Saturday, the 25th and 26th days of April, 1879, at the law office of C. W. Underhill, in the village of Hamilton, Madison County, New York, and that the said depositions are correct and true as written on the foregoing pages.

Witness our hands and seals this 1st day of May, 1879.

[SEAL.]

S. E. SCRANTON, JR.,

*Notary Public for Madison County, New York.*

[SEAL.]

CHAS. W. UNDERHILL,

*Notary Public for Madison County, New York.*

NOTE.

Newspaper articles and such other matter not considered of material value as evidence was stricken out of the record and not printed. All such matter is filed in the room of the Committee on Elections.

\_\_\_\_\_, Clerk.

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